

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD TUESDAY, 15 MARCH 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: 18 MARCH 2022

CONTENTS PAGE

	Item Description	Page Number
ITEMS BROUGHT FORWARD		
CD22/8146	2022 – 2026 Cat Management Plan for the City of Melville	18
M22/5895	Motions Carried at the General Meeting of Electors Held 2 February 2022	33
16.3	Funding Grant for Construction of New Premises for the Melville Bowling Club	61
CD22/8142	Review of Dog Exercise Areas	66
URBAN PLANNING		
Nil.		
TECHNICAL SERVICES		
T22/3958	Request to Remove Street Tree at 73 Beamish Avenue, Brentwood	78
ITEMS BROUGHT FORWARD		
M22/5901	Late Item – Compliance Audit Return 2021	86
T22/3962	Dyoondalup Point Walter Mountain Bike Facility	101
T22/3976	Attadale Alfred Cove Foreshore Master Plan	117
C22/5900	Late Item– Recruitment of The Director Community Development	137
TECHNICAL SERVICES		
T22/3961	George Welby Park Upgrades	142
T22/3962	Dyoondalup Point Walter Mountain Bike Facility (Item Brought Forward)	152
T22/3975	Mount Pleasant Bowling Club Asbestos Removal Cost Estimate (Item Deferred)	152
T22/3976	Attadale Alfred Cove Foreshore Master Plan (Item Brought Forward)	152
COMMUNITY DEVELOPMENT		
CD22/8142	Review of Dog Exercise Areas (Item Brought Forward)	152
CD22/8146	2022 – 2026 Cat Management Plan for the City of Melville (Item Brought Forward)	152
MANAGEMENT SERVICES		
M22/5895	Motions from the Annual General Meeting of Electors 2 February 2022 – Motions Carried (Item Brought Forward)	152
M22/5000	Common Seal Register	153
CORPORATE SERVICES		
C22/5896	New Council Policy – CP-120 Climate Action Policy (Item Deferred)	157
C22/6000	Investment Statements January 2022	158
C22/6001	Schedule of Accounts Paid January 2022	165
C22/6002	Statements of Financial Activity for January 2022	169

LATE ITEM

P22/3969	Late Item Three Storey Single House – Lot 2 (No.4) Dee Road Applecross (Item Deferred)	177
C22/5900	Late Item – Recruitment of the Director Community Development (Item Brought Forward)	

MOTIONS WITH NOTICE

16.1	Mount Pleasant Senior Citizens Site Being Public Open Green Space (Item Deferred)	178
16.2	Weir Report (Item Deferred)	178
16.3	Funding Grant for Construction of New Premises for the Melville Bowling Club (Item Brought Forward)	178

LATE ITEM

C22/5900	Late Item – Recruitment of the Director Community Development (Item Brought Forward)	179
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1. OFFICIAL OPENING

The Mayor welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and invited Cr Nicole Robins 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 (Deputy Mayor)
Cr K Wheatland
Cr G Barber, Cr J Edinger
Cr N Robins
Cr D Macphail (*from 6:36pm*)
Cr Woodall
Cr J Spanbroek
Cr N Pazolli
Cr C Ross
Cr K Mair, Cr M Sandford

WARD

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

3. IN ATTENDANCE

Mr M McCarthy
Mr S Cope
Ms C Young
Mr M McCarthy
Mr A Ferris
Mr B Taylor
Ms C Newman
Ms R Davis

A/Chief Executive Officer
Director Urban Planning
Director Community Development
Director Technical Services
Director Corporate Services
Manager Governance and Property
Governance Coordinator
Governance Officer (*electronic attendance*)

At the commencement of the meeting, there were 16 members of the public in the Council Chambers, 25 members of the public and one representative from the Press in attendance electronically.

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

Mr M Tieleman

Chief Executive Officer

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Cr Robins advised the meeting that she had not read and consider the information circulated on the day of the meeting.

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

Nil.

At 6:36pm, Cr Macphail entered the meeting electronically.

6. QUESTION TIME

6.1 QUESTIONS WITH NOTICE

6.1.1 Mr M McLerie, Bicton

Mr McLerie has submitted 18 questions relating to three questions asked by the Citizens for Building Reform (WA) referencing Mr McLerie's SAT matters relating to Building Permit BA-2011-2477.

The matters referred to by Mr McLerie date back to 2011/12 and have been extensively dealt with in two SAT reviews, applied for by Mr McLerie. The matters that were resolved by SAT were CC 1097 of 2015 [2016] WASAT4 and CC 9 of 2017, at which a Building Commission Officer participated in.

Mr McLerie has quoted from the SAT transcripts and asked rhetorical "is it true" questions, in all 18 questions.

Given that these matters have been to two SAT reviews the City will not be responding to these questions.

6.1.2 Citizens for Building Reform WA

The Citizens for Building Reform WA have asked questions further to those asked at the November 2021 Ordinary Meeting of Council.

Question 1

- 1. For just the purpose of this question setting aside the direct cost of the Weir report; what \$s has the City expended, over the past 10 years, on obtaining legal advice on its obligations under WA building legislation & in the course of its actions in respect to the building issues of 8 MacRae Rd, 14 & 14A Beach St boundary walls matters and the 10 / 10A Ince Road demolition matters. If the City did seek legal advice concerning the Weir report and its obligations in that regard then would ask the amount expended on that be identified and shown separately.*

Response

The information on legal expenditure over the last 10 years on the three mentioned issues is not readily available, would require research and will be taken on notice.

The City has not sought any legal advice in relation to the Weir Report.

Question 2

- 2. Did the City have all officers hours involved in the Weir review / report process booked to dedicated job numbers and hence can advise what was the cost of officer time expended in responding to Weir review and participating in Weir review. The cost of any associated legal advice should be recorded in the response to 1 above but if that figure has been overlooked then can be declared as part of the response to this question.*

6. *Public Question Time, Citizens for Building Reform WA, continued.*

Response

While a significant amount time was spent by Officers in this review no log was recorded for the officer hours spent on the three above mentioned issues and/or the Weir Report.

Question 3

The State Building Regulator (B & E) has found that Melville's building surveyor acted negligently in signing off on a compliance certificate for a wrongful retrospective building approval (BA-2017-466) for a non-complaint boundary structure with retaining (14 Beach St Bicton) with no associated / supporting retaining as was/ is clearly shown on drawings accompanying the application.

We understand that the State Regulator has on a number of occasions put to the City that an appropriate way forward in having this long standing non-compliance finally addressed and remediated would, as a first step, require the City to rescind the wrongful BAC (BA-2017-466) by utilising s55 of the State's Interpretations Act.

Can the City please confirm that after some 20+ month delay that it, the City, is finally going to act on the State Building Regulator's advice in this matter?

Response

The City is dealing directly with the landowner on this matter.

6.2 QUESTIONS WITHOUT NOTICE

6.2.1 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

This question will be taken on notice and responded to in the minutes of the 19 April 2022 Ordinary meeting of Council.

6. Question Time, continued

6.2.2 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?*

Question 2

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

Question 3

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

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?*
- 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?*

Question 7

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

6. *Public Questions, Mr S Kepert, continued*

Question 8

- c) *If so, why?*

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?*

Question 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?*

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;”

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?*

Question 13

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

- 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?*

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?*

6 Public Questions. continued**6.2.3 Mr G Wieland, Bicton**Question 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

This question will be taken on notice and responded to in the minutes of the 19 April 2022 Ordinary Meeting of Council.

6.3 QUESTIONS TAKEN ON NOTICE

From the Ordinary Meeting of Council 15 February 2022

6.3.1 Dr S Peterson, Murdoch-Bateman-Kardinya

Further to the online PerthNow article by Kristie Lim on 10/02/2022 entitled City of Melville electors' meeting calls for CEO to be replaced" Please clarify the following statements:

1. *Mr Gear said the process for appointing or dismissing a CEO was prescribed in legislation, which the council had to follow.*

Question 1

- 1.1. *Does Council itself have the power to terminate the CEO's contract?*

Question 2

- 1.2. *What is the prescribed process and legislation relevant to dismissing the CEO?*

Response to questions 1 and 2

Section 5.39 of the *Local Government Act 1995*, provides for contracts for the CEO and Senior Employees. Section 5.39A and 5.39B of the *Local Government Act 1995* relate to model standards for the recruitment, performance review and termination of employment of the CEO.

The Council adopted Council Policy CP-117 – Standards for the CEO Recruitment, Performance and Termination in May 2021, a copy of this policy is available on the City's website.

6. *Public Questions, Dr Peterson continued*

2. *Among a small turnout of less than 30 local residents...*

Question 3

2.1. *What is the maximum number of members of the public that attended online, attended in person, how many of each of these were electors, and what was the maximum number of electors who voted?*

Response

The minutes of the Annual General Meeting of Electors are published on the City's website and contain the information requested.

3. *"After the meeting, mayor [SIC] George Gear told PerthNow the City had previously appointed an external investigator to investigate Dr Peterson's allegations, which he described as "essentially a private dispute between neighbours."*

Question 4

3.1. *Which external investigator was appointed?*

Response

Ohura Pty Ltd

Question 5

3.2. *When was the external investigator appointed?*

Response

Circa September 2018.

Question 6

3.3. *What allegation(s) were investigated?*

Response

Formal Investigation into allegations against City employee.

Question 7

3.4. *How much did the investigation(s) cost ratepayers?*

Response

\$8,946.08

6. *Public Questions, Dr Peterson continued*

Question 8

4. *What is the Mayor's/Council's basis for describing the following complaints (5–9) referred to by Dr Peterson in his presentation to the motion as “essentially a private dispute between neighbours”?*

Response

The nature of the complaints and allegations relate to loud music, loud car stereo noise, yelling, car horns, air conditioning noise, antisocial behaviour, parking, noise created by wheeling a bin down driveway, which are all considered to be domestic dispute issues.

5. *Complaints about an illegal boundary screen fence built by the City officer in 4 with advice from the City but without the required planning and/or building approvals.*

Question 9

- 5.1. *Does the Council have the role and powers to enforce compliance with such illegal structures?*

Question 10

- 5.2. *Why did the City not issue a proposed building order against the City officer in 4 when, after around 2 years and 9 months of complaints (including a meeting of Dr Peterson with CEO Marten Tieleman and Legal Officer Louis Hitchcock on 16/01/2019) the City finally accepted that the structure was illegal in 2020?*

Response 9 and 10

The matter of the boundary screen was extensively dealt with at that time and was the subject of questions to the Council between May 2020 and December 2020. The minute of these meetings that contain questions related to this matter are published on the City's website.

Question 11

6. *Allegations about the City's failure to properly perform its FOI Act functions?*

Response

It is unclear what the questioner is referring to with this question. They are invited to resubmit this question and provided further information to clarify the question so a response can be provided.

Question 12

7. *Allegation that the City did work on private property owned by the City employee in 4?*

Response

Refer response to questions 9 and 10.

6. *Public Questions, Dr Peterson continued*

Question 13

8. *Allegation that the City officer in 4 had inappropriately accessed City records of the ratepayer for which they had no legitimate reason to do so, and logged derogatory and defamatory things about the ratepayer, all in breach of the City's Code of Conduct (Employees)?*

Response

This allegation was part of the investigation.

Question 14

9. *Allegation that the City officer in 4 continued making malicious calls to the ratepayer after receiving written warning for malicious calls that they had already made to the ratepayer through the nights (deliberately waking the ratepayer up) plus some malicious calls also made during the days, including during the officer's paid work hours at the City?*

Response

This relates to a matter dating back to circa 2010 that was a telecommunications and police matter that was considered by the Magistrates Court and the City will not be commenting on this matter further.

7. AWARDS AND PRESENTATIONS

At 6:40pm, with the permission of the Presiding Member, Cr Mair made the following statement:

“Former Councillor Clive Robartson (36 years’ service), Freeman of the City, lost his wife of many years, Cheryl, on Sunday night. He wanted the Council to know that earlier this morning he received a lovely floral arrangement from the City, Mayor, Councillors and Staff. Please convey his deepest appreciation to any and all for the kind thoughts.”

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF THE COUNCIL – 15 FEBRUARY 2022 **Minutes 15 February 2022**

COUNCIL RESOLUTION

At 6:41pm Cr Macphail moved, seconded Cr Robins –

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

At 6:41pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.2 SPECIAL MEETING OF THE COUNCIL – 7 FEBRUARY 2022 **SMC Minutes 7 February 2022**

COUNCIL RESOLUTION

At 6:41pm Cr Sandford moved, seconded Cr Fitzgerald –

That the Minutes of the Special Meeting of the Council held on Monday, 7 February 2022 be confirmed as a true and accurate record.

At 6:41pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.3 GOVERNANCE COMMITTEE – 23 FEBRUARY 2022

COUNCIL RESOLUTION

At 6:42pm Cr Fitzgerald moved, seconded Cr Ross –

That the Minutes of the Governance Committee Meeting held on Wednesday, 23 February 2022 be noted.

At 6:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

NB: Minutes to be confirmed at next Governance Committee Meeting

8.4 NOTES OF AGENDA BRIEFING FORUM – 8 MARCH 2022
Notes 8 March 2022

COUNCIL RESOLUTION

At 6:42pm Cr Robins moved, seconded Cr Ross –

That the Notes of Agenda Briefing Forum held on Tuesday, 8 March 2022, be received.

At 6:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.5 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 14 MARCH 2022

COUNCIL RESOLUTION

At 6:42pm Cr Pazolli moved, seconded Cr Edinger –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 14 March 2022 be noted.

At 6:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

NB: Minutes to be confirmed at next Financial Management, Audit, Risk and Compliance Committee Meeting

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Mayor Gear – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club –Interest under the Code of Conduct.
- Cr Mair – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club –Interest under the Code of Conduct.
- Cr Barber – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club Motion – Interest under the Code of Conduct.
- Cr Ross – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club Motion – Interest under the Code of Conduct.
- Cr Sandford – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club Motion – Interest under the Code of Conduct.
- Cr Edinger – Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club Motion – Interest under the Code of Conduct.
- Cr Mair – Item T22/3975 Mount Pleasant Bowling Club Asbestos Removal Cost Estimate – Interest under the Code of Conduct.
- Cr Ross – Item P22/3969 Three Storey House Lot 2, No 4 Dee Road Applecross WA 6153 – Interest under the Code of Conduct.
- Cr Wheatland – T22/3976 – Attadale Alfred Cove Master Plan – Interest Under the Code of Conduct.

At 6:47pm the Mayor adjourned the meeting.

At 6:55pm the Mayor resumed the meeting.

10. DEPUTATIONS

10.1 Mr Gary Colley, Winthrop (*electronic attendance*)
CD22/8146 2022-2026 Cat Management Plan for City of Melville

10.2 Ms Claire Greenwell, Willagee (*electronic attendance*)
CD22/8146 2022-2026 Cat Management Plan for City of Melville

10.3 Mr S Kepert, Mount Pleasant (*Written Deputation*)
Motions Carried at the Annual General Meeting of Electors Held February 2022

At 6:56pm Mr G Colley of Winthrop, entered the meeting electronically for the purpose of making a deputation on Item CD22/8146 Cat Management Plan for the City of Melville, which concluded at 6:59pm and tabled [document link](#). At 7:05pm Mr Colley was returned to the on-line public gallery.

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

At 7:05pm Cr Ross moved, seconded Cr Sandford –

That the applications for new leaves of absence submitted by Cr Barber and Cr Wheatland on 15 March 2022 be granted.

At 7:06pm, 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(a) and (b) of the Local Government Act 1995 to be discussed behind closed doors.

- C22/5900 – Late Item – Recruitment of the Director Community Development
- T22/3958 – Request to Remove Street Tree at 73 Beamish Avenue, Brentwood

13. PETITIONS**13.1 Petition – Opposition to Dog Swim Area Beach Street, Blackwall Reach Parade, Bicton**

A petition signed by 54 residents the City of Melville and two non-residents was received on 15 February 2022 and reads as follows:

“We the undersigned, do respectfully request that the Council:

We, the undersigned, are opposed to the proposed dog swim area at the bottom of Beach Street on Blackwall Reach Parade, Bicton and respectfully request that this proposal is not adopted and that the beach remains a dogs prohibited area.

The reasons are:

- 1. Threat to established wildlife and existing habitat.*
- 2. Inadequate parking.*
- 3. As a dogs prohibited area, families with young children regularly use this area.*
- 4. Fouling of the beach and surrounds with dog faeces.*
- 5. Potential for dog attacks in this highly used area.*
- 6. The busy footpath bounding the beach is designated ‘dogs on lead’ for the safety of all users, which would be compromised.*
- 7. Loss of amenity due to dogs barking, traffic congestion in this high density housing area, with no buffer zone.*
- 8. There are other dog beaches nearby (Page St, Burke Drive, Zephyrs Café, Heathcote).”*

Attached to the petition was a multi-signature letter containing 72 signatures. Copies of the petition and the multi-signature letter were made available to Elected Members.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 7:06pm Cr Barber moved, seconded Cr Sandford –

That the petition bearing 54 signatures of residents and 2 signatures of non-residents be acknowledged and be dealt with in conjunction with Item CD22/8142 – Review of Dog Exercise Area – Bicton Foreshore at this meeting.

At 7:06pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

13.2 Petition – Opposition to Child Care Centre, Corner Bass/Benningfield Roads, Bull Creek)

A petition signed by 221 residents the City of Melville was received on 22 February 2022 reads as follows:

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

Assist the local community to block the development of a proposed child care centre on the corner of Bass/Benningfield Roads, Bull Creek, currently under review as "DAP-2021-19 Proposed Child Care Premises, 1 Dirk Hartog Road & 2 Bass Road, Bull Creek".

The development is not compatible, nor compliant, with the local residential (R20) zoned environment, does not reflect the amenity of the local area which is well treed and green with natural play areas in backyards, parks and streetscape and does not conform with Policy No LPP1.10 and does not comply with the State Government R-Codes State Planning Policy 7.3. The development will have a direct negative impact on home values in the area and overlooks into existing back yards, denying the residents privacy in their own outdoor space. The development is up to 9m tall and will tower over the streetscape and be an imposing structure diminishing the entrance to the local neighbourhood, not conforming with Policy No LPP1.10. The proposed hours of use exceeds and does not comply with Policy No LPP1.12, 8.1.

The development will introduce traffic conflict on a dangerous bend in Benningfield Rd, a known area of excess speed and hoon behaviour (WA Police, METRO_MRSC_LOCATIONS_JAN_.pdf) as people enter/exit the premises via the understory carpark and Bass Road. The development will introduce traffic conflict between pedestrians and entering/exiting vehicles on the existing, safe, footpath used to access the upgraded Bob Gordon Reserve, Scout Hall, tennis facility and BMX track. The local streets are narrow and not suitable for staff parking, there are only 13 parking spots for 12 staff and 70 students, the development does not comply with Policy No LPP1.6, in particular but not restricted to 8.1a, 8.1fi, ii, iii, iv).

Congestion generated on Bass Rd and Dirk Hartog Rd will divert traffic and people away from the main exit from the community onto Endeavour Ave, Windich Rd and Flinders Way which do not have footpaths and will result in school children rising on narrow roads as well as prams and wheelchairs being used on the road itself instead of on a footpath. Thus issues of safety and inclusivity for wheel using residents will be compromised as they are forced, by new congestion on Bass, away from the shortest route and into rat runs and back streets.

The parking near the tennis facility is provided to enable parking by ratepayers and users of the tennis, BMX, scout and Bob Gordon reserve, this development will impact on parking availability for users of these facilities. The child/staff numbers could be increased by a future application at anytime after development approval is granted, thus further exacerbating the negative impacts on the local community. The development is a commercial enterprise, there are well established commercial zones in proximity. The development does not meet Policy No. LPP1.12 requirements, in particular but not limited to 3.1b, 3.1d, 4.1, 4.2, and the acoustic report contains errors, and refers to "opinion" not fact."

This petition will be considered as part of the Responsible Authority Report associated with this application, a copy of which will be included in the Elected Members Bulletin.

13.2 Petition – Opposition to Child Care Centre, Corner Bass/Benningfield Roads, Bull Creek) Continued**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 7:06pm Cr Spanbroek moved, seconded Cr Woodall –

That the petition bearing 221 signatures of residents be acknowledged.

At 7:06pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

13.3 Petition – Opposition to Child Care Centre, Leach Highway and Worley Street, Willagee

A petition signed by 61 residents the City of Melville was received on 2 March 2022 reads as follows:

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

Not approved the application to build a child care centre at the corner of Leach Highway and Worley Street, specifically 3 Worley Street Willagee WA 6156.

Our reasons are as follows:

- 1. This site is zoned residential not commercial.*
- 2. The location is on a major highway designated to carry a large and increasing number of heavy vehicles for road access to the Port of Fremantle.*
- 3. Residents of Willagee are already facing difficulties getting on and off Leach Highway due to the heavy traffic and increasing street parking due to increasing housing density.*
- 4. Current R40/60 residential zoning is having the effect of blocking residential roads with increased street parking. Only a small proportion of the approved and proposed infill housing has been completed. We are aware that substantial additional infill is planned close to the proposed child care centre. These combined uses of Worley Street at a major intersection with Leach Highway will create a death trap for children, parents, carers and residents of Willagee*

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 7:06pm Cr Wheatland moved, seconded Cr Fitzgerald –

That the petition bearing 61 signatures of residents be acknowledged and a report be prepared.

At 7:07pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:08pm the Mayor brought forward Item CD22/8146 – 2022 – 2026 Cat Management Plan for The City of Melville for the convenience of those making deputations.

At 7:08pm Dr C Greenwell of Willagee, entered the meeting for the purpose of making a deputation, which concluded at 7:15pm and tabled [document](#). At 7:19pm Dr Greenwell was returned to the on-line public gallery.

An Officer Amendment associated with this Item has been provided – [Officer Amendment](#)

CD22/8146 – 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: Animal Control - Cats
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item 16.3 Motion with Notice Cat Strategy for the City of Melville - 16 February 2021
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Tanya van Sittert Safer Melville Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the February 2021 Ordinary Meeting of Council, the Council passed a motion to direct the Chief Executive Officer (CEO) to engage with the community and other relevant stakeholders prior to preparing a plan to manage cats in the City of Melville.
- The City has developed the 2022 – 2026 Cat Management Plan for the City of Melville.
- The City engaged with the community, relevant State agencies and cat industry bodies and experts to develop the plan.
- Numerous data sources and research papers, including feedback from 1132 community participants informed the plan.
- The Cat Management Plan has been peer reviewed by subject matter experts and advertised for public comment to understand the level of community support for each action.
- Cat management is a complex, emotive issue which the community showed significant interest in.
- The plan, and resources required to implement the plan, are being presented to Council for endorsement.

BACKGROUND

At the February 2021 Ordinary Meeting of Council, the Council passed a motion to:

‘direct the CEO to commence extensive community engagement for a period of not less than six weeks prior to the preparation of a draft strategy for consideration by Council, which encourages and enables responsible cat ownership in order to address wildlife predation, nuisance cat behaviour and other associated cat-management issues’.

While cats are loved family-members for many, research shows free-roaming cats kill millions of native animals each year, and can cause nuisance for members of the community. Research also suggests that keeping cats from wandering is better for their health. Many households own cats, and the City acknowledges they are a significant part of our community. Cats provide companionship and important health and wellbeing benefits to their owners. The 2022 – 2026 Cat Management Plan aims to balance the needs and interests of the City’s many cat owners whilst protecting native wildlife and amenity for the rest of the community.

The City understands cat management is a complex issue and engaged with the community, relevant State agencies and cat industry bodies and experts so all perspectives were heard and understood. Below are the key milestones used to develop the plan:

- Established an internal project team. This project team included staff from Rangers, Parks and Natural Areas, Governance, Engagement, and Communications.
- Identified all data sources and research to inform the plan.
- Sought feedback from the Community Feedback Panel.
- Community survey and outreach – community were invited to provide feedback by completing a survey or attending a listening post.

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

- Analysed data from engagement and other data sources and prepared a draft Cat Management Plan.
- Peer review of the draft plan by subject matter experts, cat and wildlife industry experts.
- Public comment – the community were invited to provide comment on the final draft of the plan.

DETAIL

The [8146 2022 – 2026 Cat Management Plan](#) details:

- Links to City of Melville informing plans and documents;
- Legislation;
- Process to develop the plan;
- Best practice cat control;
- Cat management in other local governments;
- Current cat management strategies in the City of Melville;
- Categories of cats;
- Data analysis of numerous data sources, research papers, and community attitudes and feedback;
- Peer review by subject matter experts;
- Public comment;
- Objectives;
- The City's role;
- Evaluation;
- Action plan; and
- References.

The Western Australian (WA) Feral Cat Working Group has developed a research program to increase knowledge to mitigate cat impacts on biodiversity in WA. As at July 2021, the research program is yet to be fully implemented. Once implemented, it will provide decision makers with research to inform best practice cat control strategies for WA. Given the WA Feral Cat Working Group research program is in its infancy, the City used the following sources to inform an approach to cat management in Melville:

- Australian Government's National Consultative Committee on Animal Welfare (NCCAW) recommendations for cat control programs;
- Royal Society Protection Cruelty Animals (RSPCA) best practice recommendations for domestic cat management in Australia;
- 2021 – 2031 Australian Capital Territory (ACT) Cat Management Plan; and
- RSPCA and Animal Welfare League of South Australia Cat Management Plan for South Australia.

The table below outlines the four objectives for the plan; key findings to inform these objectives; actions to achieve these objectives; and the percentage of participants who indicated their support during the public comment period.

CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)

Objective one: Improve the health and wellbeing of owned cats in the City of Melville	
Action	% of participants who support
Develop and promote new and existing community education initiatives on the health and welfare benefits of keeping cats indoors.	84.54%
Key findings to inform this objective <p>The City of Melville has more cats' registered compared to local governments of comparable size. Just over half (51.2%) of cat owners who responded to the City's survey informed us that they allowed their cat to roam. The main reason provided for cats being allowed outdoors was a belief they need to be outside to remain happy and healthy. Research shows that wandering cats crossed more roads per day and showed signs of being in fights with other cats. This makes wandering cats more susceptible to disease, injury, and predators.</p>	
Objective Two: Reduce predation of feral, owned, un-owned and semi-owned cats on native wildlife	
Actions	% of participants who support
Investigate a cat local law to: a) Restrict the number of cats allowed per household; and b) Prohibit cats from certain areas e.g. native bushland and reserves.	93.82%
Advocate the State Government, through the South West Group, to review the Cat Act 2011 to include night-time cat curfews and specify the number of cats allowed per household.	88.66%
Advocate the South West Group to take a lead role in, and provide support to securing grant funding to conduct a scientific study on the impact of cats in native bushland and reserves before and after implementation of a cat local law.	85.56%
Conduct and promote annual animal registration renewal process in accordance with the Cat Act 2011.	87.63%
Investigate and implement additional promotional opportunities (e.g. discounted fees) for annual animal registration renewals.	80.41%

CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)

Develop and promote new and existing community education initiatives on options to keep cats confined e.g. cat runs.	83.5%
Continue to implement feral animal control program.	92.76%
Develop and promote new and existing community education initiatives on community responsibilities in relation to semi-owned and unowned cats i.e. feeding, general welfare, reporting etc.	75.26%
<p>Key findings to inform this objective</p> <p>The majority (70.78%) of cat owners who responded to the City's survey informed us that their cat has never brought wildlife home. The City understands however from studies of pet cats using video-tracking collars or scat analysis that 85% of the animals killed by pet cats are not brought home.</p> <p>Research suggests that pet cats, despite their valued role as companion animals, are also a major threat to native wildlife. Pet cat impacts are serious and should be reduced. Anecdotal observations of cat sightings in natural area reserves are a commonplace occurrence in the City of Melville. Results from the City's survey indicate there is community support from all respondents for prohibiting cats from certain areas e.g. native bushland or reserves and for night-time curfews for cats.</p> <p>Night-time curfews for cats would have the least impact on cat owners given just over half of cat owners (51.2%) responded that they allowed their cat/s to roam outside the boundary of their property. Of the 51.2% of cat owners who allowed their cat to roam outside the boundary of their property</p> <ul style="list-style-type: none"> • 31.67% only allowed their cat to roam during the day; • 17.14% allowed their cats free access indoors and outdoors at all times; • 1.52% allowed their cats to roam during the night only; and • 0.22% informed that their cat/s lived outside and were not allowed inside. <p>Survey findings highlighted there was a strong fear in cat owners of cats needing to be confined to their owners property at all times and penalties associated with this.</p> <p>There is currently no limit to the number of cats that can be kept per household in the City of Melville. When asked, half of all respondents (50.42%) informed that two cats should be the limit per household; furthermore 89% of cat owners owned less than three cats. The above is in line with findings from the State Government statutory review which found there was strong support for a limit to the number of cats allowed per household and curfews. This review also found there was strong support for these to be implemented State-wide (in legislation) rather than at a local government level.</p> <p>Findings from the City's survey indicate there are misconceptions from all respondents about what actions are required under the current Cat Act 2011 and what management practices the City currently has in place. This indicates a need for education and promotion.</p>	

CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)

Objective Three: Reduce cat-related nuisance issues for the wider community	
Actions	% of participants who support
Review and re-sign Memorandum of Understanding (MoU) with the Cat Haven for facilitation of impounded cats.	88.66%
Conduct a full review of all processes related to nuisance and trapping cats.	89.69%
Develop and promote new and existing community education initiatives on nuisance and trapping cats.	85.56%
Key findings to inform this objective Cat related complaints are trending upwards with the City having received the most cat related complaints (146) in 2020. Feedback from the City's survey indicates that 69.33% of all respondents find the roaming of cats to be a nuisance.	
Objective Four: Provide support to Melville residents who choose to have cats in their lives	
Actions	% of participants who support
Promote community education campaigns to encourage rehoming or adoption of cats from animal shelters.	85.57%
Promote awareness campaigns and support to address unnecessary surrender and abandonment of cats.	90.72%
Advocate to the State Government, through the South West Group, for funding to subsidise cat runs in support of cat owners who wish to transition their cats to indoor living.	74.23%
Establish a partnership with the Cat Haven to host ongoing events at City of Melville facilities where people can positively interact with cats (e.g. cat yoga).	69.07%
Raise awareness through community education of the benefits and positive role cats play in households and families.	68.04%

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)****Key findings to inform this objective**

Research suggests that companion animals offer a range of health related benefits including a decreased risk for death due cardiovascular diseases, and allergic sensitisation to multiple allergens during childhood. Dogs and cats are much more than companions – they have become a part of the family.

Feedback from the City's survey indicates cat owners would require support in a number of forms should in future, cats be required by law to be confined to their owner's residential property.

The actions will be implemented over a period of five years from 2022 to 2026 with further detail outlined in the action plan. Once the plan and the resources required to implement it have been supported by Council, Neighbourhood Amenity will be responsible for identifying outcomes and key performance indicators for each action. These will be monitored through the City's corporate reporting tools. Neighbourhood Amenity will also be responsible for conducting one minor review of the plan in 2024 and a full review in 2027.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The City engaged widely through four distinct stages to consult the community on how we can work better together to manage cats; to test knowledge of current cat management; and to understand the level of support for future management. The level of engagement based on the International Association of Public Participation spectrum was informed - consult. Full results can be found in the attachment titled [8146 Communication and Engagement Report Cat Management Plan](#). A summary is presented below.

Stage 1 – Community Feedback Panel

At the March 2021 Community Feedback Panel, the panel discussed cat management and the role the City of Melville plays in the management of cats. Twenty eight panel members discussed the potential impacts on native wildlife, background history and current management practices. Key findings were that the panel was generally against roaming cats and there was a recommendation for better education on current cat management practices and requirements.

Stage 2 – Community Outreach

Community were invited to complete an online survey available on the dedicated Melville Talks project page. In line with the Disability and Access Inclusion Plan, alternative methods of engagement (in person and over the phone) were made available upon request. Additional to the online survey, the community were invited to attend a listening post at three locations. Consultation took place for six weeks from 14 May 2021 to 30 June 2021.

An invitation was sent to 1,000 households to participate in an online survey. The survey sought feedback on cat ownership, management and knowledge. Alongside the direct invitation to participate, traditional and digital communication tactics were used to promote and bring awareness of the engagement. A total of 1,035 surveys were completed. The City also hosted three community pop-up sessions at Palmyra Farmers Market, Hawaiian Melville and Stockland Bull Creek. Sixty-nine community members were engaged face to face through these sessions.

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

Key findings indicate there is general support for 'responsible' pet ownership, however there were a few misconceptions in the community about what actions are required under the current Cat Act and what management is currently being implemented by the City; indicating more work needs to be done by the City to educate and promote them. There is community support from all respondents for prohibiting cats from certain areas and for night-time curfews for cats. There is less community support from all respondents for cats to be confined at all times, and for cats to be under effective control when outside their owner's residential property. Survey findings highlighted there was a strong fear in cat owners of cats needing to be confined to their owners property at all times and penalties associated with this, especially for mature cats.

Stage 3 – Peer Review by Stakeholders

See detail under other agencies/consultants.

Stage 4 – Public Comment

The community were invited to complete a formal submission form via the dedicated Melville Talks project page. In line with the Disability and Access Inclusion Plan, alternative methods of engagement (in person and over the phone) were made available upon request. The submission form sought feedback and support on the proposed actions and objectives identified in the draft Cat Management Plan. Traditional and digital communication tactics were used to promote and bring awareness of the opportunities to provide comment. Consultation took place over four weeks from 8 November 2021 to 3 December 2021 with 109 total submissions received. Twelve submissions were removed due to incompleteness and/or duplication, leaving 97 valid submissions. Participant support for the various actions ranged from 68.04% to 93.82%. The level of support for each action can be found in the attached Cat Management Plan. All submission comments received, along with a City of Melville Officer comment can be found in the attachment titled [**8146 Cat Management Submission Report.**](#)

The Cat Management Plan addresses a number of goals, priorities and actions in the following informing documents:

- 2020 – 2030 Strategic Community Plan;
- 2020 – 2024 Corporate Business Plan;
- 2019 Natural Areas Asset Management Plan;
- 2017 – 2021 Safer Melville Plan; and
- 2019 – 2023 Healthy Melville Plan.

II. OTHER AGENCIES / CONSULTANTS

In October 2021, stakeholders from the following organisations were sent an email inviting them to peer review the draft plan via an online survey or telephone interview:

- South West Group;
- Environmental and Conservation Sciences, Murdoch University;
- Centre for Terrestrial Ecosystem Science and Sustainability, Murdoch University;
- WA Feral Cat Working Group;
- Cat Haven;
- WALGA;
- Department of Local Government, Sport and Cultural Industries; and the
- Department of Biodiversity, Conservation and Attractions.

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

They were asked to rate a series of statements about the draft plan and were also invited to provide an open-ended response for any additional comments. The City received five completed surveys, and one email with feedback from the following organisations:

- Cat Haven;
- Environmental and Conservation Sciences, Murdoch University;
- Department of Biodiversity, Conservation and Attractions;
- South West Group;
- WA Feral Cat Working Group; and the
- Department of Local Government, Sport and Cultural Industries.

Specific feedback on the content of the plan was incorporated.

Responses to the rating questions were:

- All five respondents strongly agreed that the City of Melville had used reputable data sources (e.g. research, community feedback, etc.) to inform their draft Cat Management Plan.
- Four out of the five respondents strongly agreed, and one respondent agreed that the City of Melville had used a sufficient amount of data to inform their draft Cat Management Plan.
- Two out of the five respondents strongly agreed, and three agreed that the objectives in the City of Melville draft Cat Management Plan adequately addressed priorities identified from the informing data.
- Two out of the five respondents strongly agreed, and three agreed that actions in the City of Melville draft Cat Management Plan adequately contributed to the identified objectives.

Some additional comments from the open-ended responses have been included verbatim below:

The Department had no comments to make, apart from noting that any final Plan will need to be implemented within the legislative boundaries of the Cat Act and Local Government Act. While the creation of a cat local law would assist with cat issues, the making of such a local law is ultimately at the discretion of the City's council. – Department of Local Government, Sport and Cultural Industries

It is encouraging to see a council being proactive in relation to cat containment- and a well thought out and presented plan. A matter of priority for the City would be restricting the number of cats per household to two which would be in line with many other councils. – Cat Haven

Strongly agree that a local law be drafted to prohibit cats from natural areas. Overall a good range of actions recommended to improve cat wellbeing and reduce their impact on native wildlife. Could consider a longer term goal of keeping cats confined to owners property via a local law as a second or later stage action, or consider this later following monitoring as to how effective education initiatives are. - Department of Biodiversity, Conservation and Attractions

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

The City of Melville has adopted a positive and proactive approach to cat management. The data suggests that by taking appropriate and well informed action now, predation pressure will be reduced on the City's natural areas. – South West Group

Thank you for the opportunity to comment on this thorough, well-reasoned draft. - Environmental and Conservation Sciences, Murdoch University

Congratulations on what looks like a great and well researched cat plan – WA Feral Cat Working Group

STATUTORY AND LEGAL IMPLICATIONS

All local governments in Western Australia are responsible for enforcing and administering the Cat Act 2011, which is legislation set by State Government. Under the Cat Act 2011, all domestic cats six months and older must wear a collar with their registration tag when in a public place and must be:

- Sterilised;
- Micro-chipped; and
- Registered with the local government where the cat is ordinarily kept.

Cat owners who do not comply with these requirements may be liable for fines. Under the current Cat Act 2011, local governments are unable to:

- Ban cats from all public areas or require cats to be confined to property boundaries;
- Put in place cat curfews; or
- Put in place requirements for cats to be under effective control.

In 2019, the State Government completed a statutory review of the Cat Act 2011 to determine if the Act should continue and whether there is a need for a full review of the Act. The review found that although the Act had been well received by the community, it could be more effective in regards to consistency in the number of cats allowed per household and dealing with nuisance/wandering cats. The final report from the statutory review was tabled in Parliament in November 2019 and suggested that the Cat Act should contain provisions about confining cats to premises and the number of cats allowed so that the same rules apply across the State and local governments do not have to make their own local laws about these matters. Local governments are still waiting to see if a full review of the Cat Act 2011 will be undertaken by the State Government and whether they will make any amendments to the Cat Act 2011 based on the final report. Any action taken by the State Government as a result of it will impact the plan.

In December 2021 the Dog Amendment (Stop Puppy Farming) Bill 2021 passed WA Parliament. Under the new laws an online registration system for cats and dogs will be established which will be acquired and maintained by the State Government. All existing dog and cat registers in WA currently maintained by local governments will be merged into the centralised registration system. This will bring benefits to customers and will also ease the regulatory burden on local governments. Registration fees will be reviewed by the State Government to cover the ongoing costs of the system, with new fees where applicable. More details will become available once the new system is acquired.

CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)

Survey findings indicate there is community support from all respondents for prohibiting cats from certain areas and for restricting the number of cats per household, so there is an action in the plan to investigate a cat local law to facilitate this. Survey findings also indicate there is community support from all respondents for night-time curfews for cats. Given that under the current Cat Act 2011, the City is unable to put in place curfews, an action in the plan is to advocate the State Government to review the Cat Act 2011 to include night-time cat curfews.

FINANCIAL IMPLICATIONS

The following resources are required to implement the 2022 – 2026 Cat Management Plan:

- \$27,500 for marketing, communications and education programs; and financial contribution to the MOU with Cat Haven for 2022 – 2026;
- Approximately \$80,000 annually for five years to employ a full time Project Officer to oversee implementation, review and evaluation of the plan; and
- Approximately \$102,000 (pro rata for approximately six months); or \$60 per hour for a legislative officer/consultant to draft a cat local law.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Risk of community discontent which may have financial implications and/or result in reputational damage due to cat management being a very emotive and complex issue.	Moderate consequences which are possible, resulting in a Medium level of risk.	<ul style="list-style-type: none"> • Stakeholder Engagement Policy. • Community and Stakeholder Relationships Framework. • Implementing the Engagement, Marketing and Communications Plan for the project.
If the Cat Management Plan and resources required implementing it are not supported by Council there is the risk of predation of fauna which may result in financial implications, reputational; and/or environmental damage.	Moderate consequences which are likely, resulting in a High level of risk.	<ul style="list-style-type: none"> • Implementing the Cat Management Plan.

CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)

Risk of changes in legislation at a State and local level may result in financial implications and/or reputational damage.	Minor consequences which are possible, resulting in a Medium level of risk.	<ul style="list-style-type: none"> Developing and implementing an Engagement, Marketing and Communications Plan.
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Implementing the Cat Management Plan will result in a number of potential positive outcomes. Once the plan and the resources required to implement it have been supported by Council, Neighbourhood Amenity will be responsible for identifying these outcomes and key performance indicators for each action. These will be monitored through the City's corporate reporting tools. Neighbourhood Amenity will also be responsible for conducting one minor review of the plan in 2024 and a full review in 2027.

POLICY IMPLICATIONS

1. Stakeholder engagement policy CP-002 states that the policy objective is to ensure City of Melville residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff. The City engaged with the community, relevant State agencies and cat industry bodies and experts so all perspectives were heard and understood during the development of the plan.
2. Sustainability policy CP – 057 defines sustainability as 'meeting the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity, ensuring excellence in governance and best value for money'. While cats are loved family-members for many, research shows free-roaming cats kill millions of native animals each year. The 2022 – 2026 Cat Management Plan aims to balance the needs and interests of our many cat owners whilst protecting native wildlife.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

1. There is the option for Council not to support the 2022 – 2026 Cat Management Plan and/or the resources required to implement it. This will result in the 'high' risk identified above remaining as a 'high' risk.
2. The 2022 – 2026 Cat Management Plan proposes an action to advocate the State Government to review the Cat Act 2011 to include night-time cat curfews. There are two alternative positions the Council can take:
 - a. There is the option for Council to advocate for cats to be confined to their owners' property at all times. The issue of night-time curfews vs full confinement was the most divided and emotive in the community. Survey findings indicate there is community support from all respondents for night-time curfews for cats. There is less community support from all respondents for cats to be confined at all times.

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

Survey findings also highlighted there was a strong fear in cat owners of cats needing to be confined to their owners property at all times and penalties associated with this, especially for mature cats. If the Council chooses to advocate for cats to be confined to their owners' property at all times there is the risk of community discontent which may have financial implications and/or result in reputational damage.

- b. There is also the option for Council to have no formal position on curfew/containment and to retain the status quo until the State Government amends the Cat Act 2011. Cat management is an emotive issue so if Council chooses to have no formal position on curfew/containment there is the risk of community discontent, which may have financial implications and/or result in reputational damage.

CONCLUSION

The 2022 – 2026 Cat Management Plan was developed, as directed by the Council, and provides the City with a guiding document to manage cats in the City of Melville. The document outlines a number of objectives and actions to balance the needs and interests of our many cat owners whilst protecting native wildlife and amenity for the rest of the community.

Cat management is a complex, emotive issue which the community showed significant interest in by contributing feedback to the survey, and when the draft plan was advertised for public comment. The City also values the feedback provided by relevant State agencies and cat industry bodies and experts which allowed for a variety of perspectives to be heard.

There is the risk of community discontent, predation of fauna and changes in legislation at a State and local level which may result in reputational damage, environmental damage, and/or financial implications for the City. These risks can be mitigated by implementing the Cat Management Plan and ensuring open, honest and clear communication with the community and other relevant stakeholders.

A proactive guiding document to manage cats in the community allows the City the potential to achieve a number of positive outcomes for the natural environment, amenity, and health of our community.

OFFICER RECOMMENDATION (8146)

That the Council:

1. **Endorses the 8146 2022 – 2026 Cat Management Plan and the included objectives and actions.**
2. **Supports the allocation of financial resources as outlined in this report from the 2022-2023 to 2025-2026 financial years.**

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

Prior to the meeting Officers submitted an amendment to the Officer Recommendation.

OFFICER RECOMMENDATION (8146)

APPROVAL

At 7:19pm Cr Wheatland moved, seconded Cr Fitzgerald –

That the Council:

1. **Endorses the attached 8146 2022 – 2026 Cat Management Plan, the included objectives and actions.**
2. **Directs the CEO to include funding for the implementation of this Plan in the draft 2022-2023 Budget for consideration by the Council.**

Amendment

COUNCIL RESOLUTION

At 7:19pm Cr Robins moved, seconded Cr Sandford–

That the Council:

1. **Amends point 2 to read:**

"Supports the allocation of:

- a) **\$27,500 for marketing, communications and education programs; and financial contribution to the MOU with Cat Haven for 2022 – 2026**
- b) **Approximately \$32,000 annually for five years to employ a part time Project Officer to oversee implementation, review and evaluation of the plan; and**
- c) **Approximately \$102,000 (pro rata for approximately six months); or \$60 per hour for a legislative officer/consultant to draft a cat local law, to be funded via cost savings in future budgets, rather than funded through an increase in rates."**

2. **Adds an additional point 3 which reads:**

"Requests the CEO to seek external funding opportunities to support implementation of the 2022 - 2026 Cat Management Plan."

At 7:29pm, the Mayor declared the motion

CARRIED (9/4)

Yes	9	Cr Ross, Cr Barber, Cr Robins, Cr Sandford, Mayor Gear, Cr Spanbroek, Cr Woodall, Cr Pazolli, Cr Macphail
No	4	Cr Edinger, Cr Fitzgerald, Cr Mair, Cr Wheatland

**CD22/8146 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)****Reasons for the Amendment as provided by Cr Robins**

I am supportive of the Cat Management Plan as I agree with all of its objectives, however I am concerned about the significant cost of implementation. The amendment above maintains funding recommended by officers for marketing, communication and education (as well as a financial contribution to the MOU with Cat Haven) and the drafting of a cat local law. The cost of employing a Project Officer to implement the Plan, however, has been reduced by 60%. This means that instead of having a full time member of staff allocated to working on the Plan, there will be a 0.4FTE member of staff allocated to working on the Plan. This is deemed sufficient for implementing the Plan. If after five years, it is deemed that more resources are required for completing the project, Council is at liberty to allocate further funds. I am of the view that we cannot continue to increase rates to accommodate additional projects across the City, so have recommended that savings are found within the organisation to fund this Plan.

At 7:29pm the Mayor adjourned the meeting.

At 7:31pm the Mayor resumed the meeting.

Substantive Motion as Amended**COUNCIL RESOLUTION**

At 7:19pm Cr Wheatland Moved, Seconded Cr Fitzgerald –

That the Council:

- 1. Endorses the attached 8146 2022 – 2026 Cat Management Plan and the included objectives and actions.**
- 2. Supports the allocation of:**
 - a) \$27,500 for marketing, communications and education programs; and financial contribution to the MOU with Cat Haven for 2022 – 2026**
 - b) Approximately \$32,000 annually for five years to employ a part time Project Officer to oversee implementation, review and evaluation of the plan; and**
 - c) Approximately \$102,000 (pro rata for approximately six months); or \$60 per hour for a legislative officer/consultant to draft a cat local law, to be funded via cost savings in future budgets, rather than funded through an increase in rates.**
- 3. Requests the CEO to seek external funding opportunities to support implementation of the 2022 - 2026 Cat Management Plan.**

At 7:33pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 7:33pm the Mayor brought forward Item M22/5895 – Motions Carried at the General Meeting of Electors Held 2 February 2022.

M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD 2 FEBRUARY 2022 (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Council Administration – Annual General Meeting
Customer Index	:	Elected Members
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	No specific funding has been provided in the current budget to implement the motions that were supported, should the Council adopt those motions.
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 checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****KEY ISSUES / SUMMARY**

- The City of Melville General Meeting of Electors (GME) was held on Wednesday 2 February 2022, for the community to receive the Community Annual Report 2020-2021 for the year ended 30 June 2021 and discuss any items of general business.
- Ten motions were submitted by the community at the meeting, all of which were carried.
- The Minutes of the meeting were presented to and confirmed at the 15 February 2022 Ordinary Meeting of Council.
- In this report Officers have provided comment on the motions and presented recommendations for the consideration of the Council.

BACKGROUND

Section 5.27 of the *Local Government Act 1995* requires that:

- “(1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meeting are to be those prescribed.”*

The *Local Government (Administration) Regulations 1996 – Regulation 15 Matters to be discussed at general meeting*, prescribes that:

“For the purposes of section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.”

The Community Annual Report 2020-2021 was presented to, and accepted by the Council at the Ordinary Meeting held 14 December 2021.

DETAIL

At the commencement of the General Meeting of Electors, 21 Electors of the City of Melville were in attendance in the Conference Room and because of COVID19 restrictions 21 members of the public and one member of the press were in attendance electronically.

All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose, whichever happens first.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

If at a meeting of the Council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Ten motions were presented to the meeting.

These supported motions are now presented for the Council to consider as follows:

GME MOTION 1

That the City of Melville adopt a safer default position for footpaths, on local access roads, to be away from the kerb rather than adjacent to the kerb, where practicable.

Officer Comment

The City acknowledges the interest of the mover of the motion in the advancement of road safety and other matters. Like the mover of the motion, City staff considers safety to be a high priority when designing and constructing paths on all road categories. Path alignment is therefore considered on a case by case basis. The Council adopted Policy CP-033 at the Ordinary Meeting of Council held 17 March 2020 (Item T20/3842). The policy refers to the City of Melville Path Guidelines and Specifications which provide guidance for the construction and renewal of paths. These were developed based on Australian Standards, Austroads Guidelines and other recognised industry documentation.

Austroads Guide to Road Design Part 6a Paths for Walking and Cycling confirms that there is NO 'safer default position for footpaths'. Instead Austroads explains the variety of factors to consider when making a decision on a case by case basis – see table 4.1 below. When finalising a path alignment, the City reviews and considers these factors:

M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD 2 FEBRUARY 2022 (REC)

Table 4.1: Factors considered in the choice of path alignment in road related areas

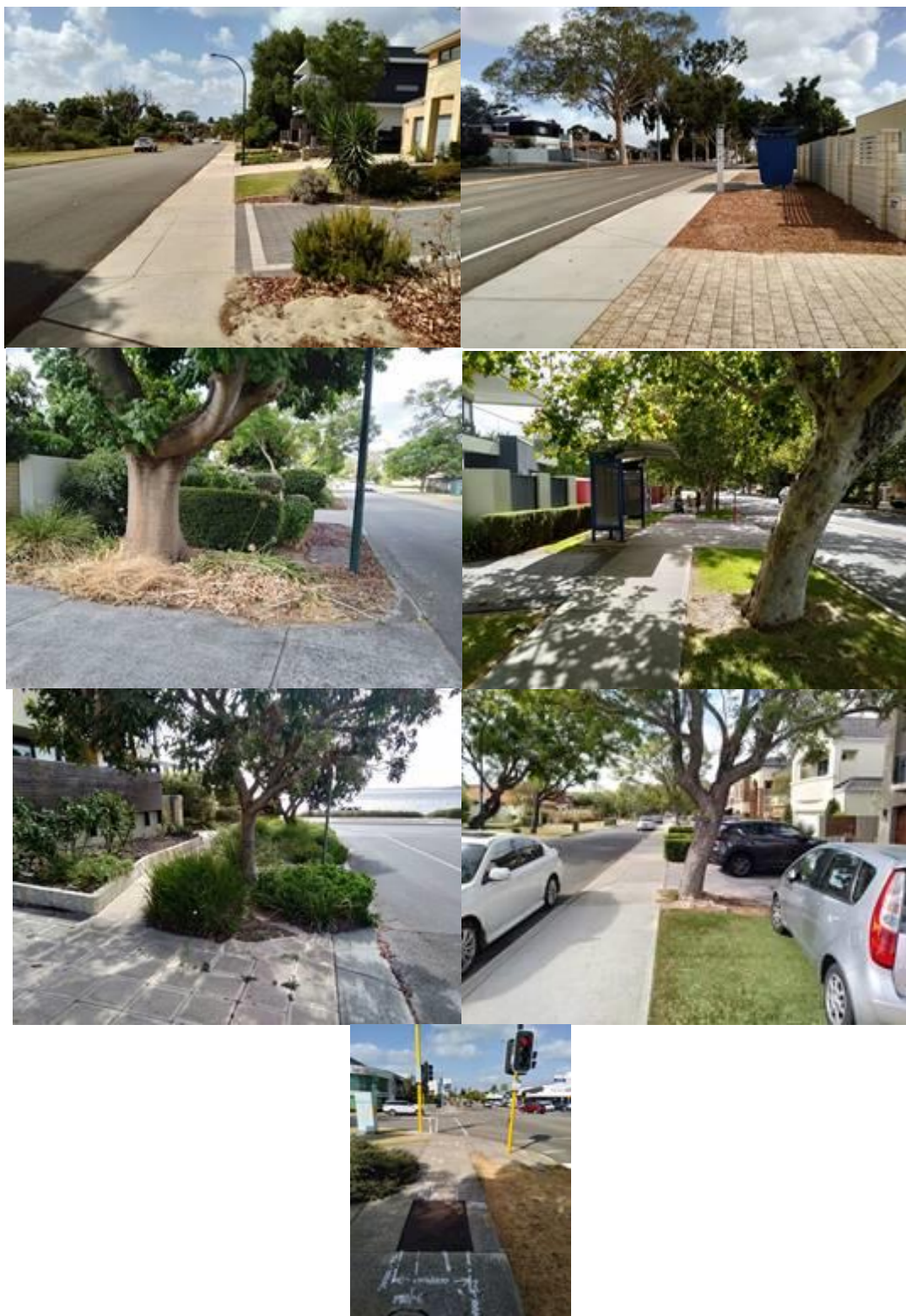
Path location	Factors for consideration
Adjacent to a kerb	<ul style="list-style-type: none"> • In many cases is the only option because of the road reserve width available. • Offers the best visibility of path users to drivers reversing out of their properties, particularly where high screen walls exist at the boundaries. • Will be used in two directions and allows cyclists to run off the path and ride against the flow of motor traffic on the road pavement. Overseas experience has shown wrong-way movements to be a major problem (Cross & Fisher 1977). • May result in parked cars being a hazard to pedestrians and cyclists due to the opening of vehicle doors into the path (refer also to Section 5.5.1). • May result in persons entering and exiting parked cars being put at risk due to the proximity of bicycle movements to the cars (refer also to Section 5.5.1). • Follows the longitudinal profile of the kerb and is therefore generally cheaper to construct because of reduced earthworks. • May be preferred by abutting landowners in terms of privacy and nature strip disruption. • May result in the effective path width being reduced by kerb returns (however, the use of AS 1428.1:2009 style side ramps would be of some assistance at driveways or the path profile being adversely affected at the cross over. • If wide, may be viewed as detracting from the appearance of the streetscape and may imply a higher speed environment. • Is less pleasant because of traffic noise, fumes and speed, and perhaps the splashing of water from gutters. • May be relatively unaffected by the presence of fences varying in height and type, or having sharp or exposed edges or protrusions.

Path location	Factors for consideration
Adjacent to a property boundary	<ul style="list-style-type: none"> • Provides a more pleasant environment and is perceived to be safer. • May limit visibility of path users to drivers reversing out of driveways, or to drivers turning left from the abutting carriageway, where path users are beyond the driver's peripheral vision. • Does not necessarily follow the kerb profile and may result in steeper gradients or be more costly to construct. • May be viewed as having a lower negative visual impact on the street than a kerbside path. • May be unacceptable to abutting land owners. • Is more efficient for the mail service, if the nature strip is very wide. • Should preferably be deviated to a location at least one car length back from road intersections, adjacent to which the path crosses, to facilitate passage behind a queued car. • Allows space for garbage bins to be accommodated clear of the path and for pit lids for utilities to be located outside of the path surface. Locating pits within paths should be avoided as the lids can create an uncomfortable ride and constitute a trip hazard for pedestrians.

Path construction in already built up areas can present difficulties due to navigating existing infrastructure, trees and garden beds and varying topographies.

The photos below show examples of a variety of verge configurations/obstacles the City needs to review when designing a path.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**



These images help illustrate the need for the alignment of paths to be decided on a case by case basis. Considerations include the location of streetlights, bus shelters, mature trees and established gardens, verge parking, permeability of fences, gradients and the locations of water, gas and electricity services.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

When a path needs to be located along the kerb, the City's minimum path width of 1.8m on local access roads provides the 500mm offset mentioned in WALGA's Crossover Guidelines, allows a path width that meets Universal Access requirements and addresses maintenance issues. The mover of the motion also mentioned the difficulty of path users having to negotiate around bins placed on the footpath during bin collection days and this is a matter which would warrant an education program around to encourage placement on the property verges rather than the footpaths.

The City has engaged independent consultants to review the City's Bike Plan and develop a Walk and Ride Plan. This project is currently in the stakeholder engagement phase. Path alignment has been discussed and will be reviewed as part of the plan. All stakeholder comments will be reviewed as part of this process.

GME Motion 1 - Officer Recommendation

That the mover of Motion 1 carried at the Annual Electors Meeting held 2 February 2022, relating to the positioning of footpaths, be acknowledged for his continuing interest in road safety issues and that he be advised of the City's considerations when deciding on the placement of footpaths within the road reserve and further that the City will also conduct an education campaign regarding the placement of obstacles on footpaths and the difficulties that that presents to footpath users including the sight impaired and those using mobility devices, prams etc.

Reason for the recommendation

The City will continue to assess the location of footpaths in accordance with CP-033 and Australian Standards, Austroads Guidelines and other recognised industry documentation.

Placing obstacles such as bins or parking on footpaths presents difficulties to path users – particularly the sight impaired, residents using mobility devices and those using prams.

It should be noted that future path alignment factors will be reviewed as part of the Walk and Ride Plan under development.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****GME MOTION 2**

That the Melville City Council:

- **Set aside the reclassification of Hill Park from an off-leash dog exercise area to an on-leash dog exercise area;**
- **Conducts / allows an eight (8) week consultation period for submissions from Hill Park Users regarding its status as an off-leash dog exercise area; and**
- **Provides feedback to all parties that make submissions on the reasons and rationale for its decision.**

Officer Comment

The Council in December 2020 authorised the Chief Executive Officer to consult the community on proposals for changes to dog access to certain City parks.

Public comment on officer recommendations was invited between 21 January and 15 March 2021, with the public also invited to comment on parks that had not yet been assessed. 78 public submissions were received relating to 24 parks and foreshore areas, expressing a diversity of views.

As part of this consultation the City received feedback regarding Hill Park. The feedback expressed was in relation to the conflict between the uses of the park and dogs running around off-lead. Feedback included there was regular traffic of primary-school-aged children; the park had a sandpit, playground, basketball facilities, BBQ and rotunda, therefore no dogs should be off-leash in this park where there is a likelihood of direct contact with children playing and people using the facilities.

The area is of sufficient space to exercise dogs on-leash without interfering with other users.

Play equipment and sandpits in the park designed to attract children seems a direct contradiction to the current local law where there is unrestricted access for off-leash dogs in most parks.

As a result of issues raised in submissions, recommendations regarding some parks had been made which included changing Hill Park from an off-lead area to an on-lead area.

The Council in July 2021 authorised the Chief Executive Officer to give local public notice in accordance with section 31(3C) of the *Dog Act 1976*, that at the September 2021 Ordinary Meeting of Council, the local government intends to specify listed places as dog exercise areas, cancel specified listed places as dog exercise areas (which included Hill Park) and cancel the specification of the following places where dogs are currently prohibited totally.

Local public notice of the Council's intent to specify was given on 23 July 2021 via the City of Melville's website, eNews, and newspaper advertisement and on noticeboards in the City's libraries and the Civic Centre.

The closest reserves to Hill Park for exercising dogs off-lead is:

- Winthrop Park (provided no sporting activities in place) (approximately 340m)
- Piney Lakes, (approximately 520m), or
- Somerville Park (approximately 500m)

See location maps included below.

M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD 2 FEBRUARY 2022 (REC)

Comments made by the mover of the motion also indicated that they were unaware of the consultation process. This has been considered by officers who will consider what improvements can be made to notify users of facilities such as the parks of any consultations being undertaken which may affect the use of the park such as through the placement of signage on site.



Officers therefore recommend leaving Hill Park as a Dog on lead area.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**GME Motion 2 - Officer Recommendation

That the mover of Motion 2 carried at the Annual Electors Meeting held 2 February 2022, relating to the designation of Hill Park as an on leash dog exercise area, be acknowledged for their interest in Hill Park however, due to the reasons contained in this report, that they be advised that Hill Park will remain as a dog on lead area at this time and that City officers will investigate and implement appropriate on-site measures to inform users of facilities such as parks of any consultations/engagements that are taking place which may affect the use of the facility.

Reasons for the recommendation

When considering possible locations to be suitable as dog off-lead exercise areas, the criteria below was considered in an effort to minimize impacts on current users of the parks.

1. Size of useable grassed area (allowing sufficient areas for other uses),
2. Environmental impact (flora, fauna, habitat, conservation area),
3. Path networks within park (Conflict with walkers/riders, noting all dogs have to be on-lead on paths),
4. Playgrounds within the park (impact of dogs off-lead on users),
5. Facilities within the park and it subsequent main use e.g. BBQ, picnics and possible conflicts, areas where people congregate in numbers,
6. Location of other off-lead areas.

GME MOTION 3

That:

1. **The City rezone and retain 100 percent of its adjoining land holdings in Moreau Mews and Kishorn Road, Applecross, in the Kintail Quarter of the CBACP, for the sole purpose of public open green space. This land being 50 – 52 Kishorn Road (lot 1012) and 31, 29 and 27-25-23 Moreau Mews (lot 1013, lot 1014 and lot 1/5018990 respectively).**
2. **The City prepare a plan, without delay, for public consultation, for the above mentioned site, in response to Hatch Roberts Day's review recommendation that the City contribute to enhancing the public realm in the Canning Bridge Activity Centre Precinct.**

Officer Comment*Kishorn Road / Moreau Mews*

The City owned properties situated at 50-52 Kishorn Road, 31 Moreau Mews and 23-29 Moreau Mews are all adjoining properties that were acquired by the City as a combined strategic commercial holding within the M15 precinct of the CBACP. (29 Moreau Mews was the site of the former Melville City Playgroup which was demolished in 2001 and is currently used as a carpark.) The properties were acquired in accordance with Council Policy CP-005 Land and Property Retention, Disposal and Acquisition with the future use of that land to be determined by the Council at a future date.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

With the exception of 29 Moreau Mews which is a paid public carpark, the other adjoining sites are leased to commercial and residential tenants and the City derives approximately \$200,000 pa. lease income from these properties.

The combined sites are valued at close to \$15M in unimproved land value excluding the value of the buildings. Clearly if the land was rezoned by the Council to Public Open Space (POS) its value will be substantially diminished as would any potential additional lease income.

Strategic Planning and the Review of the Canning Bridge Activity Centre Plan:

The Canning Bridge Activity Centre Plan is currently being reviewed by independent planning consultants. The review process has affirmed the strategic value of this location and the opportunity for community and/or civic uses including a “town square” precinct. It is expected that the draft plan will be available for public engagement in the coming months. This formal advertising period provides the opportunity to seek comment on the potential future uses of these sites.

Additional Open Space at Canning Bridge:

The current review of the CBACP presents the opportunity to introduce mechanisms to secure additional community facilities, including open space. These opportunities include:

- refinement of the current community benefit provisions (to secure land for future parkland within new developments),
- cash contribution in lieu of community benefit (to purchase future parkland),
- developer contributions to target items such as acquisition of open space (to purchase future parkland).

These mechanisms would enable the objective to provide additional open space in Canning Bridge to be met, thereby reducing the need for ratepayer funded public open space purchases.

Conclusion:

The Kishorn Road/Moreau Mews land is strategically located to perform a town square/urban park function and as a site for community uses. Preliminary concepts for the site indicate opportunity for a town square/urban park sleeved and activated by community and other uses. The approach provides a centralized community open space at Canning Bridge, responds to issues of activation and overshadowing and importantly provides for a potential revenue stream to sustainably support further public realm upgrades in Canning Bridge.

As the Canning Bridge Activity Centre Plan review has not been completed, and the provision of potential strategically located public open space sites within the Canning Bridge Precinct has not been fully explored, it is recommended that Motion 3 carried at the General Meeting of Electors, relating to the rezoning of the City’s landholdings in Moreau Mews and Kishorn Road, Applecross be noted and a decision on this matter deferred until the public open space needs of the Canning Bridge Precinct has been determined.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**GME Motion 3 - Officer Recommendation

That:

- 1 The mover be thanked for their interest in the provision of public open space in the Canning Bridge Precinct and that Motion 3 carried at the General Meeting of Electors held 2 February 2022, relating to the rezoning of the City's landholdings in Moreau Mews and Kishorn Road Applecross, is noted however, any decisions with respect to the setting aside of the City's land the subject of the motion will be deferred until such time as the Canning Bridge Activity Centre Plan review and public open space needs of the Canning Bridge Precinct has been completed.
- 2 The Council
 - A. Note that the upcoming advertising of the revised draft Canning Bridge Activity Centre Plan presents the preferred opportunity to receive community feedback on the future of the Kishorn Road/Moreau Mews land.
 - B. Directs the CEO to prepare additional content and detail to be available in conjunction with the advertising of the Canning Bridge Activity Centre Plan with respect to:
 - i. Concepts for a town square/urban park in the vicinity of the Kishorn Road/Moreau Mews land.
 - ii. Details of mechanisms to achieve the acquisition of additional open space in Canning Bridge including enhancement of community benefit provisions and developer contribution schemes.

Reason for the recommendation

The rezoning of the City's landholdings in Moreau Mews and Kishorn Road Applecross should be deferred until the Canning Bridge Activity Centre Plan is reviewed and the public open space needs of the Canning Bridge Precinct has been completed.

GME MOTION 4

That this meeting rejects the City of Melville Community Annual Report 2020-2021.

Officer Comment

At the 14 December 2021 Ordinary Meeting of Council the Council by absolute majority decision accepted the City of Melville Community Annual Report. The *Local Government Act 1995* Section 5.27 and associated regulations requires that the General Meeting of Electors be held after the Council accepts the Annual Report for the previous financial year.

The decision to accept the Annual Report is a power and duty of the Council and the decision to accept the Annual Report has been made by the Council and implemented by virtue of the conduct of the Annual Meeting of Electors on 2 February 2022.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

Regulation 15 provides that the contents of the annual report for the previous financial year maybe discussed at the general electors meeting. It is not the purpose of the general meeting to vote to approve or reject the annual report.

The *Local Government Act 1995* Section 5.55 provides that the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government. Section 5.55A requires that the CEO publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government. Both of the requirements have been complied with and implemented.

The matters discussed by the mover of the motion to reject the Community Annual Report related the Safe and Securer Goals/Aspirations in the report. The mover suggested that the report be rejected due to the City not supporting a healthy lifestyle and wellbeing for residents of the City. The mover referred to complaints lodged by residents relating to planning and compliance issues at Canning Bridge.

The opinion expressed and supported at the electors meeting should be acknowledged and noted by the Council however, the adopted 2020-2021 Community Annual Report cannot be rejected.

GME Motion 4 - Officer Recommendation

That the concerns expressed by the mover of Motion 4 carried at the General Meeting of Electors held 2 February 2022, relating to rejecting the City's 2020-2021 Community Annual Report be acknowledged and the mover advised that as the Community Annual Report has already been adopted by the Council those actions cannot be reversed.

Reason for the recommendation

In accordance with provisions of the *Local Government Act 1995*, the City of Melville Community Annual Report was adopted at the 14th of December 2021 Ordinary Meeting of Council.

GME MOTION 5

That:

- 1. The City of Melville immediately terminate all lease negotiations with the proposed lessee of 13 The Esplanade & 64 Kishorn Road, Mt Pleasant for commercial development of this site.**
- 2. The City of Melville take the opportunity to restore the former Mt Pleasant Senior Citizens site at 13 The Esplanade & 64 Kishorn Road, Mt Pleasant for community use as a predominantly public open green space with intensive tree plantings.**

Officer Comment

The matter relating to the Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant (Item M22/5890) was considered by the Council at the Meeting held 15 February 2022.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

An alternative motion to not agree to the lease proposed lease and to terminate lease negotiations is deferred until no later than 19 April 2022.

Another motion without notice: *That the Council directs the CEO to prepare a report to be presented to the May 2022 Ordinary Meeting of Council on restoring the former Mt Pleasant Senior Citizens site at 13 The Esplanade/ 64 Kishorn Rd, Mt Pleasant to community use as public open green space with tree plantings* was also deferred and will be considered by Council at its Ordinary Meeting to be held on Tuesday 15 March 2022.

The Annual Electors Meeting motion should be noted and considered in conjunction with Item 17.1 Mount Pleasant Senior Citizens Site Being Public Open Green Space, on the March 2022 Council Agenda, submitted by Cr Sandford.

Council resolution and community consultation in relation to seeking Requests for Proposals (RFP) or Expression of Interest (EOI) that were subject to community has been undertaken since 2013. In July 2018 the City sought requests for proposals for sale or ground leasing and redevelopment of the site. A Detailed Business Case and Statutory Business Plan were prepared and in April 2020 the Council approved the advertising of the Statutory Business Plan for the Major Land Transaction. Community comment was again sought.

The Community should be informed, consulted and have the opportunity to comment on any new land use proposal.

GME Motion 5 - Officer Recommendation

That Motion 5, part 1 carried at the General Meeting of Electors held 2 February 2022, relating to terminating the proposed lease be noted and the mover of the motion be advised that the Council will consider the matter at the Ordinary Meeting of Council to be held 19 April 2022.

That Motion 5 part 2 carried at the General Meeting of Electors held 2 February 2022, relating to using 13 The Esplanade and 64 Kishorn Road, Mt Pleasant as public open space be noted and considered in conjunction with motions already presented on this matter to the Ordinary Meeting of the Council to be held on Tuesday 15 March 2022.

Reason for the recommendation

A motion with notice relating to the possible use of the site as public open space will be considered by the Council at the 15 March 2022 Council Meeting and an alternative motion relating to entering into a lease was deferred for consideration no later than the 19 April 2022 Council Meeting.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****GME MOTION 6**

That the Council bring forward its consideration of Cr Ross December 2021 motion for the funding of Melville Bowling Club Redevelopment from March 2022 to the 15 February 2022 Ordinary Meeting of Council.

Officer Comment

For the Council to consider the decision of the electors meeting that the Council consider Cr Ross's motion relating to the Melville Bowling Club funding the Council resolution from the 14 December 2021 Council Meeting – *Item 16.1 Cr Ross - Funding Grant for construction of new premises for the Melville Bowling Club* (below) would need to be revoked.

"That the matter of considering a Funding Grant for the construction of new premises for the Melville Bowling Club, be deferred to the March 2022 Ordinary Meeting of Council."

The consideration of funding was deferred at the December meeting for several reasons including allowing time for the Council to consider a business plan, building plan, lease and sub-lease arrangements and that the proposal should be considered in conjunction with the pending Alfred Cove- Attadale Foreshore Masterplan.

Elected Members were advised in the Elected Member Bulletin of Friday 4 February 2022 that to revoke or change the December deferral motion, the City of Melville Meeting Procedure Local Law required that a revocation motion be presented. As required by regulations the support of five (5) Elected Members, inclusive of the mover, was required to be received prior to the February meeting. No notice to revoke the December deferral motion that the matter be considered at the March 2022 Council Meeting was received.

GME Motion 6 - Officer Recommendation

That Motion 6 carried at the Annual Electors Meeting held 2 February 2022, relating to considering grant funding for the construction of new premises for the Melville Bowling Club at the February 2022 Ordinary Meeting of Council be noted as due to the passage of time it is no longer capable of being actioned.

Reason for the recommendation

The motion was not actioned at the February 2022 Council meeting as no notice, as required by Part 18 of the Meeting Procedure Local Law 2017 to revoke the December 2021 deferral motion, was received.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****GME MOTION 7**

That the Council complies and ensures the City of Melville Administration complies with the *Local Government (Administration) Regulations 1996* by:

- 1) Ensuring that all motions, including those held behind closed doors, are included in Council minutes as required by the Regulations.**
- 2) Ensuring that all motions which had been withheld from Council minutes by governance officers without reason or explanation are inserted in previous minutes as required by the Regulations.**
- 3) Ensuring that the City of Melville administration is only keeping a single and correct document of council minutes.**

Officer Comment

The Act prescribes that matters that are confidential and what meeting or parts of a meeting maybe closed to the public.

Any confidential reports and/or attachments are marked as such and are distributed to Elected Members under confidential cover. These confidential reports or attachments are not included in the published minutes or circulated to the public and are retaining in a Confidential Register.

All motions, including those held behind closed doors are included in the minutes.

Legislation prohibits the CEO from publishing (confirmed minutes of council or committee meetings and agenda and notice papers etc.] relating to a meeting or part of a meeting closed to the public. The CEO must not publish information if the meeting or that part of the meeting to which the information refers was closed to members of the public.

The exception to this is where the Council by resolution indicates that a report or attachment is no longer confidential i.e. after a certain action has been concluded, or where “in the opinion of the CEO, the reason for confidentiality ceases to exist.”

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 relevant sections of legislation that apply are:

Local Government (*Administration*) Regulations

Reg. 11 (g) prescribes that the content of minutes for a closed part of the meeting.

Reg. 14 (2) Notice papers, agenda etc., public inspection of

Meeting Procedure Local Law

7.15 Confidentiality of information withheld

Local Government Act

5.95 (7) - Limits on right to inspect local government information

5.96A (2) - Information published on official website

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

A review of recent Confidential Reports and Attachments no longer confidential due to the passing of time will be undertaken to see if the reason for confidentiality still exists. Where the CEO determines under 7.15(1)(c) of the Meeting Procedure Local Law, that these are no longer confidential they will be published to the website.

GME Motion 7 - Officer Recommendation

That Motion 7 carried at the Annual Electors Meeting held 2 February 2022, relating to compliance with Regulations when compiling minutes relating to confidential reports and/or attachments be noted and the mover advised that the City currently complies with the relevant legislation and further that it will undertake a review of Confidential Reports and Attachments to ascertain whether or not the reason for confidentiality still exists and if determined by the CEO to no longer be confidential they will be published to the website.

Reason for the recommendation

The City complies with the relevant legislation as advised in the report and a review of reports and attachments that remain confidential will be undertaken.

GME MOTION 8

That the City of Melville extend the period of public consultation regarding the proposed Mountain Bike Trails development at Point Walter from the current 3 weeks period to an 8 week period.

Officer Comment

The current stage 4 consultation/engagement period seeking input regarding the final concept plan for the Mountain Bike facility concluded on Monday 7 February 2022. As at 12.45pm 03/02/2021, the City had received the following through stage 4 of the engagement:

- 289 formal submissions and 26 pop up event submissions
- 100% of the 26 event submissions support the draft
- Formal online submissions - 86.85% support the draft, 6% support with concerns, 4.15% do not support and 1.04% not stating level of support

Stage 4 consultation/engagement was not about whether or not the location is suitable, that decision having been taken earlier in the engagement process regarding this project, which commenced in October 2020.

The focus of the Stage 4 recent engagement was discussed with the mover of the motion and Elected Members updated in the Elected Member Bulletin of Friday 4 February 2022.

The report regarding the proposed Mountain Bike Trails development will be presented to the March 2022 Ordinary Meeting of the Council for final decision and accordingly the mover of the electors motion or any resident would be able to ask question at public question time, present a petition and/or a deputation to the meeting on this matter.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**GME Motion 8 - Officer Recommendation

That Motion 8 carried at the Annual Electors Meeting held 2 February 2022, relating to extending the public consultation period for the proposed Mountain Bike Trails development be noted and the mover advised that due to the passage of time it is not capable of being actioned.

Reason for the recommendation

The consultation that concluded on 7 February 2022 was not extended by an additional five weeks as requested, as the Stage 4 survey was about the design of the proposed facility and not about supporting, or objecting to, the project.

GME MOTION 9

That Council within three months, replace the CEO.

Officer Comment

The *Local Government Act 1995* and regulations prescribe the standards for local Governments in relation to:

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs

Council Policy CP-117 that was adopted in accordance with Section 5.39B of the *Local Government Act 1995* also states the Councils Standards for the Recruitment, Performance and Termination of the CEO.

The CEO is subject to an annual performance review and the CEO's common law contract determines how any performance related matters will be dealt with.

The views of those present at the annual meeting of electors that were expressed should be noted, but cannot be actioned.

GME Motion 9 - Officer Recommendation

That Motion 9 carried at the Annual Electors Meeting held 2 February 2022, relating to the CEO's employment be noted however the mover be advised that any matters in relation to the performance review or termination of the CEO are to be dealt with by Absolute Majority decision of the Council and be conducted in accordance with the provisions of the *Local Government Act 1995*, Regulations made under that Act, Council Policy CP-117 and the CEO's employment contract and relevant employment law.

Reason for the recommendation

The employment, performance and termination of the CEO is a function and responsibility of the Council, which is governed by legislation and the CEO's Common Law Employment Contract.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****GME MOTION 10****Motion of No Confidence in the Planning, Building and Environment Health functions of the City of Melville.**Officer Comment

The motion refers to not having confidence in the functions of the stated services areas of the City. It is acknowledged that the functions of the Building, Planning and Environmental Health Service Areas deal with emotive issues which have direct impact on the amenity of residents in particular in the designated Activity Centre zones of the City where the bulk of the City's dwelling density and population increase is taking place. Many of these impacts are negative and some are of an enduring nature whilst others occur principally through the building development phase.

Planning, Building and Environmental Health approvals and compliance actions are determined by a myriad of complex legislative, state and local government policy provisions, the City's Local Planning Scheme and specific activity centre plans. It is also acknowledged community outrage occurs when, following professional assessment of the legislative and other provisions, the City's staff make recommendations that appear to be at variance with the wishes of the local community and in some cases the expressed views of the Council. This causes friction between the City administration, the Council and the residents. Where that occurs the opportunity to achieve more aligned outcomes is delivered by reviewing the documentation against which assessments are made. It needs to be noted however that the higher order instruments which local governments prepare, such as the local planning scheme and activity centre plans, also need to be acceptable to and approved by the West Australian Planning Commission / Department of Planning. Those documents therefore need to accord with the views, aspirations and objectives of the State which may not necessarily be in alignment with those of the communities or the local government Councils. The review process for the assessment documents is also a lengthy process with those documents which provide the greatest opportunity for achieving clarity of development outcomes taking the longest. This presents difficulties in achieving balance between Community, Council and State aspirations.

During 2020-2021, due to complaints raised by residents, the Council appointed an independent legal practitioner with expertise in building and planning matters to undertake a review of certain complaints with respect to building and planning matters and to make recommendations. 15 recommendations were received and have or are being implemented.

In addition to that another independent organisation review consultant identified the need to review the structure of the Urban Planning Directorate to ensure there was sufficient capability and capacity to address the issues arising from development. This process is underway.

The City administration is committed to working through and resolving matters of concern however, it is not in a position to mitigate against all the negative impacts of increasing dwelling and population density and the Council, the administration and the community need to work together to achieve outcomes which, whilst meeting the urban infill dwelling and population targets set by the State Government with respect to the City of Melville, results an increase in amenity, vibrancy and an improved urban environment.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**GME Motion 10 - Officer Recommendation

That Motion 10 carried at the Annual Electors Meeting held 2 February 2022, relating to the performance of the Planning, Building and Environmental Health Service Areas be noted and the mover be advised that the concerns raised are included in the scope of the review of the structure of the Urban Planning Directorate

Reason for the recommendation

A review of the Planning, Building and Compliance functions of the City is underway.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The date, time, location and purpose of the General Meeting of Electors was advertised in the local newspapers, on the City of Melville website and on City of Melville noticeboards at the Civic Centre, Libraries and Recreation Centres in accordance with the requirements of the Local Government Act. Additional social media advertising was also undertaken.

The advertising and holding of the General Meeting of Electors gave members of the community the opportunity to participate in the discussion, question time and voting on the motions.

There has been no specific consultation or engagement with the Community in preparing this report.

II. OTHER AGENCIES / CONSULTANTS

Legal advice has been not been sought regarding the motions.

STATUTORY AND LEGAL IMPLICATIONS

Relevant statutory and legal implications need to be considered in relation to each separate motion presented and supported at the General Meeting of Electors. Legislation relevant to each respective motion is included in the Officer Comment.

FINANCIAL IMPLICATIONS

No funding has been provided in the current year budget to implement or undertake any actions in relation to the motions carried. Funding requirements maybe required depending on the Council resolution in relation to each motion.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Strategic and risk implications will need be considered depending on the Council resolution in relation to each motion.

There is a risk of dissatisfaction among some members of the community, should the Council not support the motions carried at the electors meeting. There is a risk of the Council acting beyond its legal authority should the Council support motions for which the local government does not have power. The officer comments and rationale and the recommendations presented may assist to mitigate this risk.

POLICY IMPLICATIONS

There are no policy implications or proposed changes to Policy relating to the motions supported at the General Meeting of Electors.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Ten motions were supported at the meeting. Various options are available in respect to some of the options however, no alternative options are proposed by the administration in relation to the motions carried at the General Meeting of Electors.

CONCLUSION

This report considers the motions presented and supported at the Annual General Meeting of Electors and provides officer comment and recommendation in relation to each motion.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION (5895 -1)****APPROVAL**

At 7:34pm Cr Macphail Moved, Seconded Cr Robins –

GME MOTION 1

That the mover of Motion 1 carried at the Annual Electors Meeting held 2 February 2022, relating to the positioning of footpaths, be acknowledged for his continuing interest in road safety issues and that he be advised of the City's considerations when deciding on the placement of footpaths within the road reserve and further that the City will also conduct an education campaign regarding the placement of obstacles on footpaths and the difficulties that that presents to footpath users including the sight impaired and those using mobility devices, prams etc.

Alternate Motion

At 7:31pm Cr Sandford moved, seconded Cr Fitzgerald –

That the mover of Motion 1 carried at the Annual Electors Meeting held 2 February 2022, relating to the positioning of footpaths, be acknowledged for his continuing interest in road safety issues and that he be advised that the City will amend the [attached table at clause 2.2](#) of its Path Guidelines and Specifications to denote the location of new footpaths on Access roads in row 1 of the table from its current preferred position of on the kerb line to be in the middle of the verge, consistent with the preferred position of all other footpaths on other roads in the City; and further that the City will also conduct an education campaign regarding the placement of obstacles on footpaths and the difficulties that that presents to footpath users including the sight impaired and those using mobility devices, prams etc.

At 7:35pm, the mover and the seconder, consented to the inclusion of the sentence "*In particular, this education campaign will identify that bins do not need to be placed adjacent to the kerb to be collected, and should not be placed so as to obstruct the footpath.*" At the end of the motion.

At 7:38pm Cr Wheatland left the meeting and returned at 7:39pm.

At 7:41pm Cr Robins and Cr Macphail withdrew their support for the officer recommendation in order for the Alternate motion to be tabled.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

Alternate Motion as Amended

At 7:31pm Cr Sandford moved, seconded Cr Fitzgerald –

That the mover of Motion 1 carried at the Annual Electors Meeting held 2 February 2022, relating to the positioning of footpaths, be acknowledged for his continuing interest in road safety issues and that he be advised that the City will amend the [attached table at clause 2.2](#) of its Path Guidelines and Specifications to denote the location of new footpaths on Access roads in row 1 of the table from its current preferred position of on the kerb line to be in the middle of the verge, consistent with the preferred position of all other footpaths on other roads in the City; and further that the City will also conduct an education campaign regarding the placement of obstacles on footpaths and the difficulties that that presents to footpath users including the sight impaired and those using mobility devices, prams etc. In particular, this education campaign will identify that bins do not need to be placed adjacent to the kerb to be collected, and should not be placed so as to obstruct the footpath.

At 7:55pm, the Mayor declared the motion

LOST (6/7)

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895 -1)

APPROVAL

At 7:55pm Cr Macphail Moved, Seconded Cr Robins –

GME MOTION 1

That the mover of Motion 1 carried at the Annual Electors Meeting held 2 February 2022, relating to the positioning of footpaths, be acknowledged for his continuing interest in road safety issues and that he be advised of the City's considerations when deciding on the placement of footpaths within the road reserve and further that the City will also conduct an education campaign regarding the placement of obstacles on footpaths and the difficulties that that presents to footpath users including the sight impaired and those using mobility devices, prams etc.

At 7:56pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

At 7:55pm Mr Ferris left the meeting and returned at 7:57pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-2)

APPROVAL

At 7:57pm Cr Robins moved, seconded Cr Macphail –

GME MOTION 2

That the mover of Motion 2 carried at the Annual Electors Meeting held 2 February 2022, relating to the designation of Hill Park as an on leash dog exercise area, be acknowledged for their interest in Hill Park however, due to the reasons contained in this report, that they be advised that Hill Park will remain as a dog on lead area at this time and that City officers will investigate and implement appropriate on-site measures to inform users of facilities such as parks of any consultations/engagements that are taking place which may affect the use of the facility.

At 8:02pm, the Mayor declared the motion

CARRIED (11/2)

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

Reasons for the Recommendation

When considering possible locations to be suitable as dog off-lead exercise areas, the criteria below was considered in an effort to minimize impacts on current users of the parks.

1. Size of useable grassed area (allowing sufficient areas for other uses),
2. Environmental impact (flora, fauna, habitat, conservation area),
3. Path networks within park (Conflict with walkers/riders, noting all dogs have to be on-lead on paths),
4. Playgrounds within the park (impact of dogs off-lead on users),
5. Facilities within the park and it subsequent main use e.g. BBQ, picnics and possible conflicts, areas where people congregate in numbers,
6. Location of other off-lead areas.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-3) APPROVAL**

At 8:02pm Cr Pazolli moved, seconded Cr Fitzgerald –

GME MOTION 3

That:

- 1 The mover be thanked for their interest in the provision of public open space in the Canning Bridge Precinct and that Motion 3 carried at the General Meeting of Electors held 2 February 2022, relating to the rezoning of the City's landholdings in Moreau Mews and Kishorn Road Applecross, is noted however, any decisions with respect to the setting aside of the City's land the subject of the motion will be deferred until such time as the Canning Bridge Activity Centre Plan review and public open space needs of the Canning Bridge Precinct has been completed.**
- 2 The Council**
 - A. Note that the upcoming advertising of the revised draft Canning Bridge Activity Centre Plan presents the preferred opportunity to receive community feedback on the future of the Kishorn Road/Moreau Mews land.**
 - B. Direct the CEO to prepare additional content and detail to be available in conjunction with the advertising of the Canning Bridge Activity Centre Plan with respect to:**
 - i Concepts for a town square/urban park in the vicinity of the Kishorn Road/Moreau Mews land.**
 - ii Details of mechanisms to achieve the acquisition of additional open space in Canning Bridge including enhancement of community benefit provisions and developer contribution schemes.**

At 8:05pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the Recommendation

The rezoning of the City's landholdings in Moreau Mews and Kishorn Road Applecross should be deferred until the Canning Bridge Activity Centre Plan is reviewed and the public open space needs of the Canning Bridge Precinct has been completed.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-4)****APPROVAL**

At 8:05pm Cr Fitzgerald moved, seconded Cr Macphail –

GME MOTION 4

That the concerns expressed by the mover of Motion 4 carried at the General Meeting of Electors held 2 February 2022, relating to rejecting the City's 2020-2021 Community Annual Report be acknowledged and the mover advised that as the Community Annual Report has already been adopted by the Council those actions cannot be reversed.

At 8:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the Recommendation

In accordance with provisions of the *Local Government Act 1995*, the City of Melville Community Annual Report was adopted at the 14th of December 2021 Ordinary Meeting of Council.

OFFICER RECOMMENDATION (5895-5)**APPROVAL**

At 8:07pm Cr Fitzgerald moved, seconded Cr Barber –

GME MOTION 5

That Motion 5, part 1 carried at the General Meeting of Electors held 2 February 2022, relating to terminating the proposed lease be noted and the mover of the motion be advised that the Council will consider the matter at the Ordinary Meeting of Council to be held 19 April 2022.

That Motion 5 part 2 carried at the General Meeting of Electors held 2 February 2022, relating to using 13 The Esplanade and 64 Kishorn Road, Mt Pleasant as public open space be noted and considered in conjunction with motions already presented on this matter to the Ordinary Meeting of the Council to be held on Tuesday 15 March 2022.

At 8:07pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the recommendation

A motion with notice relating to the possible use of the site as public open space will be considered by the Council at the 15 March 2022 Council Meeting and an alternative motion relating to entering into a lease was deferred for consideration no later than the 19 April 2022 Council Meeting.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-6)****APPROVAL**

At 8:07pm Cr Sandford moved, seconded Cr Robins –

GME MOTION 6

That Motion 6 carried at the Annual Electors Meeting held 2 February 2022, relating to considering grant funding for the construction of new premises for the Melville Bowling Club at the February 2022 Ordinary Meeting of Council be noted as due to the passage of time it is no longer capable of being actioned.

At 8:07pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the recommendation

The motion was not actioned at the February 2022 Council meeting as no notice, as required by Part 18 of the Meeting Procedure Local Law 2017 to revoke the December 2021 deferral motion, was received.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-7)**APPROVAL**

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

GME MOTION 7

That Motion 7 carried at the Annual Electors Meeting held 2 February 2022, relating to compliance with Regulations when compiling minutes relating to confidential reports and/or attachments be noted and the mover advised that the City currently complies with the relevant legislation and further that it will undertake a review of Confidential Reports and Attachments to ascertain whether or not the reason for confidentiality still exists and if determined by the CEO to no longer be confidential they will be published to the website.

At 8:13pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the recommendation

The City complies with the relevant legislation as advised in the report and a review of reports and attachments that remain confidential will be undertaken.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5895-8)****APPROVAL**

At 8:13pm Cr Wheatland moved, seconded Cr Barber –

GME MOTION 8

That Motion 8 carried at the Annual Electors Meeting held 2 February 2022, relating to extending the public consultation period for the proposed Mountain Bike Trails development be noted and the mover advised that due to the passage of time it is not capable of being actioned.

At 8:13pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the recommendation

The consultation that concluded on 7 February 2022 was not extended by an additional five weeks as requested, as the Stage 4 survey was about the design of the proposed facility and not about supporting, or objecting to, the project.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5819-9)**APPROVAL**

At 8:13pm Cr Macphail moved, seconded Cr Fitzgerald –

GME MOTION 9

That Motion 9 carried at the Annual Electors Meeting held 2 February 2022, relating to the CEO's employment be noted however, the mover be advised that any matters in relation to the performance review or termination of the CEO are to be dealt with by Absolute Majority decision of the Council and be conducted in accordance with the provisions of the *Local Government Act 1995*, Regulations made under that Act, Council Policy CP-117 and the CEO's employment contract and relevant employment law.

At 8:14pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the recommendation

The employment, performance and termination of the CEO is a function and responsibility of the Council, which is governed by legislation and the CEO's Common Law Employment Contract.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5819-10) APPROVAL**

At 8:14pm Cr Edinger moved, seconded Cr Robins –

GME MOTION 10

That Motion 10 carried at the Annual Electors Meeting held 2 February 2022, relating to the performance of the Planning, Building and Environmental Health Service Areas be noted and the mover be advised that the concerns raised are included in the scope of the review of the structure of the Urban Planning Directorate.

At 8:15pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the Recommendation

A review of the Planning, Building and Compliance functions of the City is underway.

At 8:15pm, the Director Urban Planning with the permission of the Presiding Member addressed the meeting regarding the service levels achieved by the teams and the review of the Planning, Building and Compliance functions of the City of Melville.

At 8:23pm, the Mayor brought forward Motion With Notice Item 16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross for the convenience of the public gallery.

Disclosures of Interest

Member	Mayor Gear
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Social Member of the MBC
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Ross
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Social Member of the MBC
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Mair
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Social Member of the MBC
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Barber
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Husband plays pennant bowls at the MBC
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Sandford
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Husband is a social member of the MBC
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote
Member	Cr Edinger
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest – Husband is a social member of the MBC
Request	Stay and Discuss
Decision Leave	Stay and Discuss

16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross

This motion was deferred from the Ordinary Meeting of Council held 8 December 2021.

An Officer Advice note is associated with this motion [Advice Note \(inc. 3 attachments\)](#)

1. That the Council in the event that the Melville Bowling Club is successful in obtaining funding grants from the Federal Government of \$5 million and from the State Government of \$10 million, the City of Melville will make a funding grant of an additional \$5 million for the Melville Bowling Club's development project.
2. The funding grant to be subject to terms and conditions that provide that all funds from the abovementioned grants are applied for the development project and grant funds are paid in instalments on completion of agreed stages of the development works.

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

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

Motion

At 8:23pm Cr Ross moved, seconded Cr Edinger –

1. Council resolves to fund the replacement of the current 65 year old Melville Bowling Club rooms and facilities with new buildings and amenities to facilitate the expansion of this Community Association's Constitutional objectives to become the Melville Community Centre and Bowling Club.

The project includes opening up the area around the Atwell Arts Centre and adjacent to the Melville Bowling Club to create an active and passive recreational precinct, accessible from and complementary to both Centres.

2. Council directs the CEO to appoint a senior officer to prepare a report to be presented to an EMES within four weeks with a draft plan to:
 - (A) Consult with the MBC and Atwell Arts Centre to produce a layout plan that accommodates the needs of the various stakeholders who are likely to call the new facility home when complete; and
 - (B) includes a proposed timetable and estimated costs of preliminary work that is required to produce drawings and associated information and necessary approvals to take the project to the final design stage.

16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross, continued

Amendment

COUNCIL RESOLUTION

At 8:50pm Cr Woodall moved, seconded Cr Barber –

To Amend Point 1 of the motion to read:

- Council resolves to investigate funding of the replacement of the current 65 year old Melville Bowling Club rooms and facilities with new buildings and amenities to facilitate the expansion of this Community Association's Constitutional objectives to become the Melville Community Centre and Bowling Club.**

The project includes opening up the area around the Atwell Arts Centre and adjacent to the Melville Bowling Club to create an active and passive recreational precinct, accessible from and complementary to both Centres.

At 9.07pm, the Mayor declared the motion

CARRIED (8/5)

Yes	8	Cr Fitzgerald, Cr Barber, Cr Mair, Cr Robins, Mayor Gear, Cr Pazolli, Cr Spanbroek, Cr Woodall
No	5	Cr Ross, Cr Edinger, Cr Sandford, Cr Macphail, Cr Wheatland

At 9:01pm Ms Young left the meeting and returned at 9:03pm.

Alternate Motion As Amended

COUNCIL RESOLUTION

At 8:23pm Cr Ross moved, seconded Cr Edinger –

- Council resolves to investigate the funding of the replacement of the current 65 year old Melville Bowling Club rooms and facilities with new buildings and amenities to facilitate the expansion of this Community Association's Constitutional objectives to become the Melville Community Centre and Bowling Club.**

The project includes opening up the area around the Atwell Arts Centre and adjacent to the Melville Bowling Club to create an active and passive recreational precinct, accessible from and complementary to both Centres.

- Council directs the CEO to appoint a senior officer to prepare a report to be presented to an EMES within four weeks with a draft plan to:**
 - (A) Consult with the MBC and Atwell Arts Centre to produce a layout plan that accommodates the needs of the various stakeholders who are likely to call the new facility home when complete; and**
 - (B) includes a proposed timetable and estimated costs of preliminary work that is required to produce drawings and associated information and necessary approvals to take the project to the final design stage.**

At 9:07pm the Mayor declared the motion

CARRIED (8/5)

Yes	8	Cr Ross, Cr Fitzgerald, Cr Barber, Cr Edinger, Cr Mair, Cr Sandford, Mayor Gear, Cr Spanbroek
No	5	Cr Robins, Cr Wheatland, Cr Pazolli, Cr Woodall, Cr Macphail

16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross, continued

Reasons for the motion as provided by Cr Ross

1. As proposed in the Attadale, Alfred Cove Master Plan, this area lends itself to a wonderful, shared community space. Designing land and buildings to make the most of this iconic area is paramount.
2. The MBC building is 65 years old and houses a number of community groups (approximately 21 community groups). The Club has 500 playing and social members.
3. The principal constitutional objective of the MBC is to encourage and increase participation in bowling activities and to promote other recreational, cultural and social activities conducive to the well-being of the members and the local community.
3. MCA (Atwell House) is 87 years old (original house) the gallery is 50 years old and they have 800 members with approximately 300 students attending each year.
4. The results of the AAC Master Plan will be finalised shortly, but as there is an opportunity for Federal funding for both these facilities it makes sense to commit to this project now.
5. There are roadway and traffic issues common to both organisations which are best resolved as one.

At 9:08pm the Mayor adjourned the meeting.

At 9:12pm the Mayor resumed the meeting.

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

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Legislative
Subject Index	:	Acts, Statutes and Local Laws, Animal Control
Customer Index	:	City of Melville
Disclosure of any Interest	:	Nil
Previous Items	:	Item M21/5845 – Review of Dog Exercise Areas – Report of Public Submissions – Ordinary Meeting of Council, July 2021 Item CD21/8142 Review of Dog Exercise Areas Ordinary Meeting of Council 21 September 2021 and Ordinary Meeting of Council 16 November 2021
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Manager Neighbourhood Amenity Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council 16 November 2021 the Council passed a motion as follows:

“That Council agree to the following new terms of reference for the community consultation that it has directed the (CEO) to undertake relating to a dog swim area on the Bicton Foreshore;

- Community views are to be sought on the proposal that a dog swim area be permitted on the Bicton Foreshore along Blackwall Reach Parade between Braunton Street and Kent Street.*
 - The CEO is to report to the Council on the outcome of the consultation at the March 2022 Ordinary Meeting of the Council and make an appropriate recommendation.”*
- Two specific locations on the Bicton Foreshore were identified as possible locations in line with the Council resolution. These locations were chosen based on their potential to enable dog access and having regard for least impact to other foreshore users and the local environment.
 - Consultation took place from 1 February 2022 – 15 February 2022, a total of 662 submissions were received.
 - When asked - If the City of Melville was to proceed with one specific location, what would be your preferred option? Location 2 was the preferred, followed by not supporting either location.

Location 1 - 54-58 Blackwall Reach Parade - River side	155	23.81%
Location 2 - Corner of Blackwall Reach Parade and Beach Street - River side	274	42.09%
I do not support either of the locations	222	34.10%

- Those in favour of the proposal were happy with the City proposing alternative options for a dog swim area, proximity to residents, as well as allowing their dogs to cool off in summer and recreate with their family.
- The City also received a multi-signature letter with 71 signatures of which 27 people had already provided feedback, and a petition with 54 signatures of which 14 had also already provided feedback. The multi-signature letter and petition don't support location 2 due a range of concerns, with the contents of both considered in the preparation of this report.
- The majority of concerns and issues raised by respondents were the lack of responsible dog ownership, unacceptable amenity and environmental impacts on flora and fauna, proximity to houses and existing dog swim area, people using the foreshore for passive uses and the conflict of those using the space.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

- The City has also received written advice from the Department of Biodiversity Conservation and Attractions (DBCA) opposing the establishment of dog swimming areas at the two locations identified due to potential impacts on erosion, foreshore stabilisation and fringing vegetation.
- Although the survey received majority support for the Beach Street foreshore as a dog swimming area (location 2), in reviewing the feedback from the survey, submissions, petition and multi-signature letter and advice from DBCA, officers have concluded that the use of this area for dog swimming poses an adverse and unacceptable risk to the environment and other community users
- The officer recommendation is that the Council does not proceed with the establishment of a dog swimming area along the Bicton foreshore as it is considered incompatible with the high conservation values of the foreshore environment and potentially conflicts with passive community uses at these locations.

BACKGROUND

The *Dog Act 1976* (Dog Act) requires all dogs in public places to be either leashed or tethered, but provides for local governments to specify public places as areas where dogs are prohibited totally or dog exercise areas, in which dogs may be unleashed provided they are under effective control.

There are currently two areas where dogs are able to access the foreshore to swim in the general area, being an area approximately 260m in length along Burke Drive in Attadale (near Page Street) and The Strand in Applecross which is approximately 290m in length.

At the Ordinary Meeting of Council in July 2021, the report detailed there was significant support for additional areas for dogs to have access to the river to swim, particularly at a place along the Bicton foreshore, with some local submitters pointing out that the Swan River Trust has stated it has no objections to dogs swimming in the river.

The City has jurisdiction only above the mean high water mark, but currently dogs are required to be on lead on the path and are prohibited between the path and the high water mark. The Swan River Trust and the Department of Biodiversity, Conservation and Attractions (DBCA) have jurisdiction beyond that point and do not prohibit dogs swimming in the river along this stretch of foreshore.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

At the Ordinary Meeting of Council July 2021 Council resolved as follows.

- "1. Authorises the Chief Executive Officer to give local public notice in accordance with section 31(3C) of the Dog Act 1976, that at a meeting on a date to be determined by Council, the local government intends to:*
- a) specify the following places as dog exercise areas under section 31(3A) of the Dog Act 1976:*
 - iv) An area of approximately 263m² incorporating 25m of beachfront between the river side of the path and the mean high water mark off Blackwall Reach Parade commencing approximately 46m north east of the intersection with Crewe Street for an initial period covering the summer of 2021/22."*

At the Ordinary meeting of Council 21 September 2021 Council resolved to delete:

- "iv) An area of approximately 263m² incorporating 25m of beachfront between the river side of the path and the mean high water mark off Blackwall Reach Parade commencing approximately 46m north east of the intersection with Crewe Street for an initial period covering the summer of 2021/2022 and will continue unless opposing feedback is received during this period."*

At the same meeting Council also resolved to include a new point as follows.

"Direct the CEO undertake community consultation for an alternative dog swim area on the Bicton Foreshore, such as timed seasonal sessions at Bicton Baths, on a three month trial basis and to report back to the Council at the December 2021 Ordinary Meeting of Council."

At the Ordinary Meeting of Council 16 November 2021 a Motion without Notice was presented to Council who resolved.

"That Council agree to the following new terms of reference for the community consultation that it has directed the CEO to undertake relating to a dog swim area on the Bicton Foreshore:

- 1. Community views are to be sought on the proposal that a dog swim area be permitted in a small section on the Bicton Foreshore along Blackwall Reach Parade between Braunton Street and Kent Street.*
- 2. The CEO is to report to Council on the outcome of the consultation at the March 2022 Ordinary Meeting of Council and make an appropriate recommendation.*

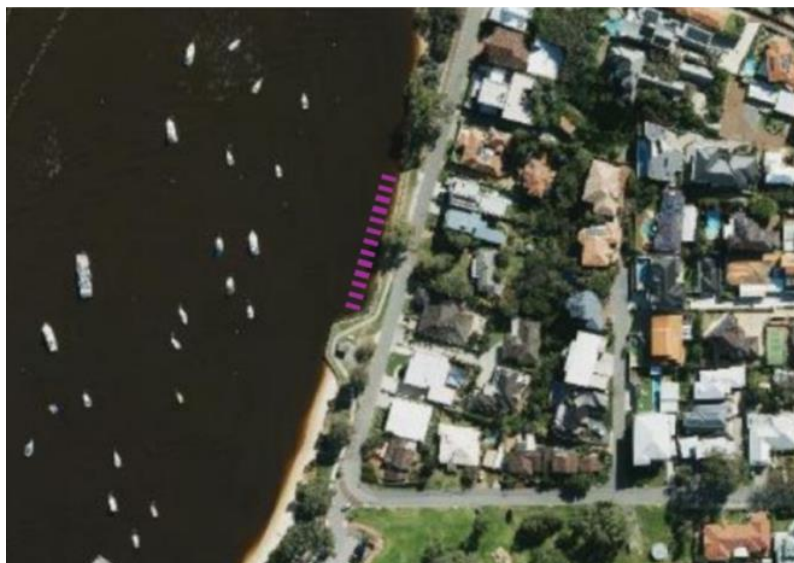
This report to Council is in response to the above resolution.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)**DETAIL**

In-line with the Council resolution two locations were identified as potential dog swim areas along Blackwall Reach Parade and community views were sought on the proposals.

Proposed location 1

Approximately 55m in length north of the Water Corporation pumping station (54 to 58 Blackwall Reach Parade), this location was identified due its existing limestone river walls, confining the dog access to the area of the foreshore.

**Proposed location 2**

Approximately 95m in length adjacent to Beach Street on Blackwall Reach Parade, this location was identified due to its small grassed area (un-irrigated) and small beach area, confining the dog access to the area of the foreshore where the river is available at the location.



CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

The key findings of the survey engagement identified:

- 61.54% identified as a dog owner;
- 61.39% support a dog swim area at location 1, whilst 37.10% do not support (Q5);
- 61.09% support a dog swim area at location 2, whilst 37.25% do not support (Q5);
- Although overall support for both locations, if only one location (or none) was to proceed, the preferred location would be location 2 (42.09%) over location 1 (23.81%) and none (34.10%) (Q7);
- 57.64% would like to see more dog swimming areas in the City of Melville (Q8);
- 92.46% identified as residents of the City of Melville, with 51.43% residing in Bicton, 9.35% residing in Attadale, and 7.69% residing in Palmyra;
- Social media, direct email, eNewsletter and letter was rated the highest in how the community heard of the opportunity to provide comment;
- Community are most concerned with:
 - Responsible dog ownership.
 - Environmental concerns (birds, habitat and marine life).
 - Community safety.
 - Lack of user amenities (parking).
- Community are most happy about:
 - Proximity to local residents.
 - Alternative locations.
 - Opportunities for walk and swim play.

Engagement Questions and Results

Question 5 shows the level of support for either location (support and support with concerns) combined are very similar:

“Q.5 - There are two locations that have been identified as potential locations for a dog swim area along the Bicton Foreshore. Please indicate your level of support for the two locations. Answered 663 / Skipped 0”

	Support	Support with concerns	I do not support	I do not wish to state a level of support
Location 1 - 54-58 Blackwall Reach Parade - River side	47.21%	14.18%	37.10%	1.51%
Location 2 - Corner of Blackwall Reach Parade and Beach Street - River side	54.15%	6.94%	37.25%	1.66%

In addition to the above quantitative question, community were asked to provide feedback in more detail regarding their level of support. 551 free-text comments were provided as additional comments.

CD21/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

Themes of Concerns and Issues

Responsible Dog Ownership	<ul style="list-style-type: none"> • Dog faeces • Dog attacks • Chasing wildlife • Dog control • Dog confinement
Environmental	<ul style="list-style-type: none"> • Disturbance to Birdlife (Melville Bird Sanctuary) • Disturbance to marine life • Destruction of vegetation • Increased shark presence • Destruction of Flora
People	<ul style="list-style-type: none"> • Family safety • Water sports and recreation disturbance (Kayaking, divers, swimming, fishing, paddle boards) • Increased usage • Tranquility disturbance?
Proximity	<ul style="list-style-type: none"> • Residential houses • Walkways and roads • Proximity to existing dog swimming areas (no requirement for more) • Noise pollution (dogs barking and fighting)
Amenities	<ul style="list-style-type: none"> • Limited parking • No toilets
Engagement	<ul style="list-style-type: none"> • Period of consultation

Opportunities

A dog swimming area on the Bicton Foreshore would provide:

- Alternative locations for dog swimming;
- Reduction of congestion at other dog swimming areas;
- Increased physical activity (people and dogs);
- Multi-use (walk and play);
- Accessibility (path);
- Proximity to local residents (walk to and from area); and
- Dog confinement (dedicated area).

Question 7 shows if the City was to proceed with one location, location 2 is preferred followed by no support for either location.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

It is noted that the petition and multi-signature letter were against location two:

“Q.7 - If the City of Melville was to proceed with one specific location, what would be your preferred option?

Answered 651 / Skipped 12”

<i>Location 1 - 54-58 Blackwall Reach Parade - River side</i>	<i>155</i>	<i>23.81%</i>
<i>Location 2 - Corner of Blackwall Reach Parade and Beach Street - River side</i>	<i>274</i>	<i>42.09%</i>
<i>I do not support either of the locations</i>	<i>222</i>	<i>34.10%</i>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The overall objective of the engagement was to seek community feedback and level of support for potential locations, as well as overall support for the proposal of a dog swim area on the Bicton Foreshore. A total of 662 submissions were received.

Consultation took place 1 February – 15 February 2022 and was set to this time with consideration that the Report was required to be presented to the March meeting of the Council.

The following communication tactics were implemented.

Tools and tactics	Information	Results
Melville Talks Project	One stop shop project page	881 page view
Direct email notification	Local residents 1km radius – promotion of engagement	289 recipients 147 opens / 62 clicks
	Community random sample 1000	996 emails 336 opens / 39 clicks
Direct Letter drop	Local residents – promotion of engagement	285 letters
On-site signage	Placed at location 1 and location 2	
Elected Members Brief	Notification of engagement and promotion. 28 January 2022	
Advertorial	Quarter page ad Perth Now Melville 3 February 2022	28,500 circulation
Corporate eNews	4 February 2022 - Promotion of engagement	14,000 subscribers 4,919 opens / 143 clicks
Facebook	Boosted post 1 February 2022	6,265 reach 1,617 engagement
	Boosted post 9 February 2022	317 reach 216 engagement

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

The two proposed locations were discussed with the officers from DBCA and subsequent correspondence from the DBCA was received by the City opposing the establishment of dog swimming areas at the two locations identified due to potential impacts on erosion, foreshore stabilisation and fringing vegetation and this forms an attachment to this item. [8142 Proposed Dog Swim Area](#) [8142 DBCA Advice on dog Swim area Bicton](#)

STATUTORY AND LEGAL IMPLICATIONS

The Dog Act 1976 (Dog Act) provides that:

“A dog is exempt from the leashing requirements of section 31(1) under certain circumstances (section 31(2)), including being in a dog exercise area specified by a local government under section 31(3A) provided the dog is being supervised by a competent person in reasonable proximity to the dog (section 32).”

Section 31(3A) of the Dog Act provides that:

“(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.”

Section 31(3C) of the Dog Act requires:

- “(3C) At least 28 days before specifying a place to be -*
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*
 - (b) a dog exercise area under subsection (3A); or*
 - (c) a rural leashing area under subsection (3B).*

A local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.”

FINANCIAL IMPLICATIONS

If a location for dog swimming along the Bicton foreshore was to be established, this would need to be supported with additional signage to ensure all users of the foreshore can clearly see the start and end point of the dog exercise area. The additional dog exercise area would likely result in increased calls to the Rangers with concerns regarding compliance issues and this would impact on existing resources and priorities.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Environmental implications of increased litter and dog excreta at the chosen location	Moderate consequences which are possible, resulting in a medium level of risk.	Ensure dog excreta bags and bins are installed at the location.
Environmental implications in this matter as dogs may cause distress or harm to native fauna and damage sensitive fringing vegetation and marine biota.	Major consequences which are possible, resulting in a High level of risk.	Ensure appropriate signage and public information. Review the consequences of extending dog access after a reasonable period, and amend the status if necessary.
Extending dog access in places where they have been prohibited may result in conflict between park users.	Moderate consequences which are possible, resulting in a medium level of risk.	Review the consequences of extending dog access after a reasonable period, and amend the status if necessary.
Community dissatisfaction by not allowing dogs access to a section of the foreshore	Major consequences which are possible, resulting in a High level of risk.	Explain why no location was supported and communicate other locations where dogs are allowed access to the foreshore.

POLICY IMPLICATIONS

Stakeholder engagement policy CP-002 states that the policy objective is to ensure City of Melville residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff. The City engaged with the community and relevant State agencies so all perspectives were heard and understood, however it is Councils decision regarding the establishment of a dog swimming area taking into account all relevant factors from the perspective of the wider community and the environment.

Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may decide to specify location 2 as a dog exercise area, however, this decision poses adverse environmental risks.

A decision to not approve the proposed dog exercise area would be contrary to the wishes of most respondents with the key engagement process.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

It is also relevant to note that there are alternative dog swimming areas in close proximity including Burke Drive in Attadale (2.2 kilometres away), Riverside Road in East Fremantle north of Zephyr Café (2 kilometres away), Leighton Dog Beach (4.5 kilometres away) and The Strand in Applecross (7 kilometres away)

CONCLUSION

Changing the status of areas where dogs are allowed is a sensitive issue which the community demonstrated through the significant interest in by contributing feedback to the survey. Comments made and concerns expressed through the public consultation on those locations show a diversity of public views on the extent to which dogs should be allowed to access the river.

The needs of dog owners also need to be in the context of the wider community and people who use the Bicton foreshore for social and passive recreational purposes. The area is very popular and needs to cater for the diversity of uses that can be enjoyed at the location.

Taking all of these factors into account as well as advice from the DBCA, officers have concluded that the risks identified at are incompatible with the high environmental conservation values of the locations for use as a dog swimming.

OFFICER RECOMMENDATION (8142)**APPROVAL**

At 9:12pm Cr Fitzgerald moved, seconded Cr Mair –

That the Council does not proceed with the establishment of a dog swimming area along the Bicton foreshore as it is considered incompatible with the high conservation values of the foreshore environment and potentially conflicts with passive community uses at these locations.

Mr Ferris returned to the meeting at 9:13pm.

Mr Taylor left the meeting at 9:13pm.

Cr Barber returned to the meeting at 9:15pm.

Amendment

At 9:13pm Cr Edinger moved, seconded Cr Sandford –

That the Officer Recommendation

- be numbered “1”, and
- a new point “2” be included that reads as follows:

“Directs the CEO to undertake, within 4 months, an education campaign alerting dog owners to the threats presented to fauna (birds and wildlife) and flora by dogs off leash in sensitive areas.”

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

At 9:18pm, the mover and the seconder, consented to point two being amended to read:

“Direct the CEO to prepare a report within 4 months as to the options and costs of an education campaign alerting dog owners to the threats presented to fauna (birds and wildlife) and flora by dogs off leash in sensitive areas.”

Amendment**COUNCIL RESOLUTION**

At 9:13pm Cr Edinger moved, seconded Cr Sandford –

That the officer recommendation

- be numbered “1”, and
- a new point “2” be included that reads as follows:

“Directs the CEO to prepare a report within 4 months as to the options and costs of an education campaign alerting dog owners to the threats presented to fauna (birds and wildlife) and flora by dogs off leash in sensitive areas.”

At 9:20pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Substantive Motion as Amended**COUNCIL RESOLUTION**

At 9:12pm Cr Fitzgerald moved, seconded Cr Mair –

That the Council

1. Does not proceed with the establishment of a dog swimming area along the Bicton foreshore as it is considered incompatible with the high conservation values of the foreshore environment and potentially conflicts with passive community uses at these locations
2. Direct the CEO to prepare a report within 4 months as to the options and costs of an education campaign alerting dog owners to the threats presented to fauna (birds and wildlife) and flora by dogs off leash in sensitive areas.

At 9:22pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Mr Taylor returned to the meeting at 9:22pm.

T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant
 Category : Operational
 Subject Index : Street Trees
 Customer Index : Resident at 73 Beamish Avenue, Brentwood
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item T22/3958 – Request to Remove Street Tree at 73 Beamish Avenue, Brentwood – Ordinary Meeting of Council held 15 February 2022.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Bird
 Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Request from a resident for removal of the street tree on the verge adjacent to 73 Beamish Avenue, Brentwood.
- The tree is commonly known as the Queensland Box Tree.
- Officers assessed the tree, recommended it be retained and advised the resident in September 2021.
- Resident asked for review of this decision through the Mayor, Ward Councillors and Director Technical Services, resulting in a report for a Council decision regarding retention or removal in accordance with CP-029 Tree Policy.
- This item was presented to the February 2022 Council Meeting and was deferred to the March meeting so that the resident had an opportunity to make a deputation on request.
- The Officer's recommendation is to not support the request for the removal of the Queensland Box verge tree at 73 Beamish Avenue, Brentwood given its healthy condition and contribution to the streetscape amenity.

BACKGROUND

This report presents the background information regarding resident requests for the tree to be removed, maintenance history of the tree in question, community feedback on the request for tree removal and information provided by an independent Arboriculture Consultant on the condition of the tree. Photos of the tree located on the verge of 73 Beamish Avenue, Brentwood are attached below.

[3958 – Photo 1 of Tree](#)

[3958 – Photo 2 of Tree](#)

[3958 – Photo 3 of Tree](#)

DETAIL

The resident of 73 Beamish Avenue, Brentwood has requested that the City tree on the verge be removed, the tree in question is a mature *Lophostemon confertus* (Queensland Box) tree.

The Queensland Box Tree is mature and in good health with a good coverage of healthy canopy. It is at a height of 13 metres and has a canopy spread of 10 metres. Following assessment by a City arborist, it was estimated that tree has an anticipated useful life expectancy of up to 20 years with an amenity dollar value of \$17,100. The amenity dollar value has been determined by City Officers utilising the City of Melville's Tree Evaluation Method.

This request for tree removal has been a result of the resident's opinion that the tree is;

- inappropriate for the site
- has choked and killed the lawn
- is a slip hazard from debris, mainly in the form of fallen nuts
- is a safety hazard to persons and property
- prevents access to a person with a disability
- will be significantly and unavoidably damaged by development

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

Officers have assessed the central location of the tree in relation to the proposed development under construction and conclude that there are more than adequate setbacks to accommodate a 6 metre wide driveway in the proposed location of the garage, without adversely impacting on the tree (refer to Photo 1) or the infrastructure.

According to the City's tree management records, the Queensland Box Tree has been subject to three previous maintenance requests since December 2012 involving the following works:

- 5/12/2012 - Prune tree branches from powerlines and concerned branches that may be at risk of falling onto roof (completed).
- 25/03/2020 - Prune trees to allow for demolition company to access the site (completed)
- 13/04/2021 - Remove tree as it drops nuts and is located too close to driveway (this request)

In addition to the City Officer's arboricultural assessment, an independent arboriculture consultant was engaged to assess the tree and provided the following summary:

- The tree is an early mature *Lophostemon confertus* (Queensland Box) and is at a height of 12.6 meters and has a canopy spread of up to approximately 12.0 meters and trunk diameter of 65 centimeters. The tree displays a healthy vitality with suitable overall foliage coverage, color, size, with lateral and apical growth showing adequate extension, indicative of a sound and healthy root system.
- The consulting arborist states in the report that the tree provides significant aesthetic and amenity value to the surrounding streetscape and there is no sound arboricultural justification for tree removal or significant canopy reduction pruning works at this time.
- Three recommendations were made as a result of the inspection are proposed to be implemented should the tree be retained including:
 1. Selectively prune any deadwood.
 2. Ensuring the tree is adequately watered weekly during the summer months due to building works adjacent the tree.
 3. Re-inspecting the tree in 12 months.
- A visual amenity valuation took place using the Helliwell System, which is used by this consultant to assess the amenity value of a tree; and using this method the tree was valued at \$10,242. [3958 - Arboriculture Advice](#)

Lophostemon confertus (Queensland Box Tree)

Within the City, there are approximately 2,760 *Lophostemon confertus* (Queensland Box) trees located on verges. These trees were regularly planted by local governments in the past across Perth as well as in Sydney and Melbourne.

The trees are considered useful as a street tree due to its disease and pest resilience, its high tolerance to air pollution and drought as well as their relatively light to moderate maintenance requirements. The tree is considered one of the hardiest and most successful street trees utilised by local governments and widespread across the Perth metropolitan area.

T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)

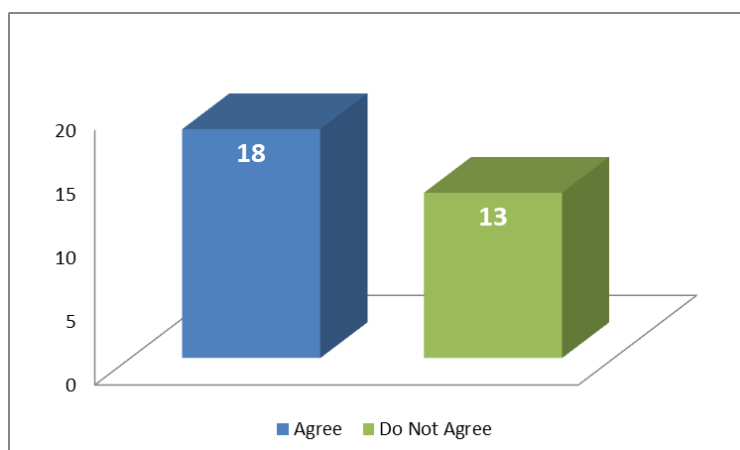
Unfortunately the trees do drop a fair amount of debris, mainly the nuts, which are considered a nuisance by many in the community, noting that all trees drop foliage and other materials during their life. Many local governments have chosen not to plant these species of trees as a result of the complaints received.

The City does not plant new Queensland Box trees at this point but will monitor industry best practice and consider planting of these trees in the future.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The Tree Policy requires the City to consult with residents in the local area where reports are presented to Council in order to gain community feedback on the tree removal request. The consultation process involved writing to residents in the local area who may be impacted by the decision and seeking feedback on their preference to remove or retain the tree. Residents were advised that their feedback would be included in the report and used to assist in the decision making process. A copy of the survey form is attached for information. [3958 – Survey Form](#)



As can be seen in the above graph, of the 85 properties surveyed 31 residents provided feedback related to the tree removal request at 73 Beamish Avenue, Brentwood, with 18 (58%) supporting its removal and replacement with an alternative tree. [3958 – Residential Feedback Summary](#)

II. OTHER AGENCIES / CONSULTANTS

Arboriculture Consultant, Paperbark Technologies conducted a site visit to inspect the tree at 73 Beamish Avenue on 4 January 2022 and provided the above attached report.

STATUTORY AND LEGAL IMPLICATIONS

No legal or statutory advice has been sought on this item.

T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**Tree Removal and Replacement

The cost to procure the independent Arboriculture Report was approximately \$350.

If the decision to remove the tree is approved by the Council, all costs associated with the removal and replacement is to be paid for by the person seeking the removal (applicant) as if the tree was authorised for removal under Clause 6.4 of Tree Policy CP-029 as outlined below.

In the event a tree is authorised for removal as part of a development application, (including planning, building, demolition and crossover application), the following will occur:

- The applicant will approach the City to formally request the approved trees removal process to commence.
- The applicant will pay the invoice provided by the City for:
 - Tree removal.
 - Stump grinding to min 300mm below ground level.
 - Traffic management cost as required.
 - Two replacement trees.
 - Establishment of replacement trees for 3 years.
- Upon receipt of this payment the City will arrange:
 - Tree removal and stump grinding within approximately 10 weeks
 - Tree replacement during the next planting season after development works have been completed.
- A minimum of one street tree shall be replaced on the verge adjacent to the development, where sufficient space.
- Where sufficient space additional trees may be placed on the verge at the City's discretion.

The City would manage the removal and replacement process utilising the City's tree pruning contract, Supply of Tree Pruning Services. The contracted rates have been market tested and are very competitive.

The removal cost for the tree is \$430 which includes stump grinding. As per the Tree Policy, two trees would need to be purchased as replacements for the tree removed. Each tree will cost \$440 for a total of \$880. A total of \$1,310 would be invoiced to the applicant.

Tree Retention

If the decision by Council is to retain the tree, it would be managed within on-going operational budgets with works related to:

- The implementation of recommendations from the independent Arborist Report;
- Pruning – formative, remedial (due to damage), asset/boundary clearance;
- Health treatments – fertiliser, microbes, pesticide applications; and
- Removal at end of useful life (ULE), including stump grinding and replacement.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
<p>A Council decision to remove healthy trees will result in community opposition and reputational damage. This may set a future precedent requesting the removal of healthy trees.</p> <p>Inconsistent with other Council City's policies and strategies to protect and enhance the City's green spaces.</p>	<p>Major consequences which are possible, resulting in a High level of risk</p>	<p>During the decision making process ensure Council is aware and consider the following endorsed Council Policies and Strategy documents.</p> <p>Environmental Policy CP-030</p> <p>Urban Forest and Green Space Policy CP-102</p> <p>CP- 029 Tree Policy Urban Forest Strategic Plan – Part A</p>

POLICY IMPLICATIONS

Environmental Policy CP-030 – Policy Statement - The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City of Melville's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.

Tree Policy CP-029 – Policy Statement - All trees are assets of the City that contribute to the well-being of the community and to the natural environment. The City recognises and values the significance of trees within the urban setting for the many social, economic and environmental benefits they provide. The City is committed to protecting, maintaining and increasing its tree population.

Urban Forest and Green Space Policy CP-102 – Policy Statement:

1. To protect, preserve and enhance the aesthetic character of the City of Melville.
2. To realise the social, environmental and economic benefits of trees and other vegetation as an integral element of the urban environment.
3. To contribute to community wellbeing by integrating and aligning the efficient provision of physical, social and green infrastructure and management of natural areas to achieve community wellbeing today and tomorrow.
4. To encourage a sense of shared responsibility and balance individual and community rights to equitably distribute the costs and the benefits of a greener City.
5. To ensure that the urban forest and green spaces that are integral to the City's sense of place are not compromised in areas of increased residential density.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

Declaration of Climate Emergency and Carbon Neutral by 2030 – The retention of trees provides a positive contribution towards carbon management as they convert CO₂ to oxygen and play a role in improving air quality. It would take ten years or more for the planted tree to reach a level of maturity to replicate the carbon abatement function associated with the mature Queensland Box subject to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONSApprove the removal of the tree

Approve the removal and replacement of the tree, all costs associated with this process is the responsibility of the applicants seeking removal (\$1,310).

Replace with transplanted mature tree

Remove tree and replace with mature tree that will reduce the impact of the loss of the existing mature tree, funded by the applicant seeking removal. Costs would include the tree, installation, including crane and traffic management as required, watering and management of the tree to warranty requirements for 24 months after planting. A mature tree can range from \$5,000 to \$15,000 dependent on the height and species of tree.

CONCLUSION

Specific aspirations in the City of Melville's Strategic Community Plan 2020 – 2030 include reference to the importance of trees through:

- Clean and Green - We want our pathways, well-shaded for when temperatures soar and a place where people are encouraged to be physically and mentally healthy in an attractive outdoor environment.
- Healthy Lifestyle - Opportunities for a healthy lifestyle both indoors and outdoors and about in local parks and suburbs walking, running, cycling and exercising individually or in groups.

Removing a healthy mature tree may resolve a resident concerns associated with this request, however the multiple benefits that the tree has provided (e.g. shade, amenity, heat reduction, habitat, oxygen generation, contribution to visual streetscape) will take many years to replace and impact on its contribution toward adapting to the impacts of climate change.

There are a number of risks in removing healthy trees, particularly along street verges where multiple functions essential for living are required to be undertaken and located, (path, crossovers, and utilities such as power, water, gas and communications).

Verges are one of the key locations outside of parks and bushlands where the City can not only protect trees but can add to the urban forest tree canopy cover.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

In addition, there is a reputational risk for the Council in removing healthy trees as this goes against its Climate Emergency Declaration and Carbon Neutral commitments, and is also inconsistent with its sustainability, environment and urban forest policies.

OFFICER RECOMMENDATION (3958)

REFUSAL

At 9.23pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Council:

1. **For the reasons outlined in Item T22/3958 – Request to Remove Street Tree at 73 Beamish Avenue, Brentwood, does not support the request for the removal and replacement of the *Lophostemon confertus* (Queensland Box) verge tree at 73 Beamish Avenue, Brentwood**
2. **Directs the CEO to advise the applicant seeking removal of the tree of this decision.**

At 9.37pm the Mayor declared the motion

LOST (6/7)

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

At 9:36 pm, the Mayor brought forward Late Item M22/5901 – Compliance Audit Return 2021.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Audits - Compliance
 Customer Index : Department of Local Government, Sport and Cultural Industries
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item M21/5823 – Compliance Audit Return 2020 – Ordinary Meeting of Council 16 March 2021
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Julie Head
 Governance 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 type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input checked="" type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (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>

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- All Western Australian Local Authorities are required to undertake a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March each year.
- The City has demonstrated compliance to 96 (98%) of the 98 questions provided by the Department of Local Government Sports and Industries for the 2021 Compliance Audit Return.
- The Process Improvement Auditor completed verification of the Return and found two non-conformances and noted two opportunities for improvement. Findings and their corresponding corrective actions are included in this report.
- The Financial Management, Audit, Risk and Compliance Committee considered the 2021 Compliance Audit Return at its meeting held 14 March 2022 and recommend the Return to the Council for consideration and adoption.

BACKGROUND

A Compliance Audit Return was conducted covering the period 1 January 2021 to 31 December 2021. The completed Compliance Audit Return forms part of the Attachments to the Agenda [5901 – Compliance Audit Return 2021](#)

It is a requirement that the Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

DETAIL

There are 98 questions on the 2021 Return. The Compliance Audit Return only assesses compliance against the *Local Government Act 1995* and associated Regulations. The responses of Officers to the audit questions have been audited by the Process Improvement Auditor who has included his comment in this report. The City has taken this additional audit examination approach for some years. During the audit examination two Non-Conformances together with two Improvement Actions to the City's current practices were identified and will be actioned in 2022.

The format of the return varies each year with the Department only testing those areas considered to be high risk. The questions relate to:

*Local Government Act 1995;
Local Government (Administration) Regulations 1996;
Local Government (Function and General) Regulations 1996;
Local Government (Audit) Regulations 1996,
Local Government (Rules of Conduct Regulations) 2007 (repealed 3 Feb 2021),
Local Government (Elections) Regulations 1997, and
Local Government (Financial Management) Regulations 1996*

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires each local government's Audit Committee to review the Return and report the results of that review to the Council.

The areas that the Return relates to and the changes to the number of questions are below:

Section Number	Area of legislation	2021 Number of Questions	Changes from 2020
1	Commercial Enterprises by Local Government	5	
2	Delegation of Power/Duty	13	
3	Disclosure of Interest	25	+4
4	Disposal of Property	2	
5	Elections	3	
6	Finance	7	-4
7	Integrated Planning and Reporting	3	
8	Local Government Employees	6	
9	Official Conduct	3	-1
10	Optional Questions	9	-1
11	Tenders for Providing Goods and Services	22	-2

The *Local Government (Audit) Regulations 1996 R14 Compliance audits by local governments (1),(2),(3A) and (3)* defines the role of the Local Government's audit committee in this annual Compliance Audit Return.

The Return has been compiled with continued substantial rigour beyond that experienced in most local governments. Officers have been required to demonstrate compliance and provide detail of their work to ensure the work procedures of the City meet obligations of the Act and Regulations.

There are ongoing efforts to increase Officer Knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

The Return containing the questions and responses is provided as an attachment. This document is provided by the Department of Local Government, Sport and Cultural Industries in an on-line SmartHub to allow local governments to update the Return with their responses and when completed, print for certification by the Mayor and Chief Executive Officer.

The City's Compliance Calendar is used to assist management of all legislative compliance matters. The Calendar is updated monthly which enables a management response should a matter require attention.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**Internal Audit Report – Compliance Audit Return January 2021 to December 2021****Process Improvement Auditor's comments**

The Compliance Audit Return for 2021 has 98 questions, all answers were reviewed and findings are summarized below.

Findings and Improvement Actions**1. Non Compliance****Local Government Employees Section**

Question – Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg. 18A?

Answer - No

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**Local Government Act 1995**
Introductory matters **Part 1****s. 1.5****1.7. Local public notice**

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

[Section 1.7 inserted: No. 16 of 2019 s. 5.]

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, notice of the matter must be given in accordance with section 1.7(a) and (b) and the requirements prescribed for the purposes of this section.

[Section 1.8 inserted: No. 16 of 2019 s. 5.]

Local Government (Administration) Regulations 1996
Public notices **Part 1A****r. 3A****Part 1A — Public notices**

[Heading inserted: SL 2020/213 r. 15.]

3A. Requirements for local public notice (Act s. 1.7)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
 - (a) publication in a newspaper circulating generally in the State;
 - (b) publication in a newspaper circulating generally in the district;
 - (c) publication in 1 or more newsletters circulating generally in the district;
 - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
 - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**Local Government (Administration) Regulations 1996****Part 1A** Public notices**r. 3B**

- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

[Regulation 3A inserted: SL 2020/213 r. 15.]

3B. Requirements for Statewide public notice (Act s. 1.8)

- (1) For the purposes of section 1.8, one of the ways in which Statewide public notice of a matter must be given is the way prescribed in regulation 3A(2)(a) or (d).

Findings

The recruitment for the position of Director Community Development (DCD) was conducted by an external agency and was advertised on Seek.

Advertisement to recruit senior employees is governed by the LG (Admin) Regulations 18A and the local government is required to give Statewide Public Notice relating to the vacancy and the employment terms. As the advertisement for DCD was only posted on Seek it did not comply with LG (Admin) Regulations 18A. The agency consultant advised that he had not been made aware of the relevant legislation by the City's People Services team who engaged them for the recruitment. The prescribed Public Notice of the advertisement for the vacancy per Local Government Act / Regulations is as follows:

- 1) On the City's website (Section 1.7 (a)); plus
- 2) Any 3 of the 7 ways prescribed in LG(Admin) Reg. 3A(2) such as
 - a) the West Australian;
 - b) City's notice board and notice boards of all City's libraries and
 - c) a social media account administered by the City such as Facebook or eNews.

The vacancy for the position of DCD was not advertised in any of the above.

A copy of the advertisement was not saved in ECM [City's Electronic Document Management System] hence whether prescribed details such as remuneration and benefits offered were included cannot be reviewed nor can they be sighted on Seek as all advertisements on their website expire after 30 days.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

It was further noted that there was no Work Instruction in relation to the recruitment of senior employees to guide staff.

Improvement Actions

The People Services team will prepare a work instruction in relation to recruitment / advertisement for senior employees so that legislative compliance can be achieved.

2. Non Compliance**Delegation of Power/Duty Section**

Question 13 – “Did all persons exercising a delegation of power / duty under the Act keep, on all occasions, a written record in accordance with Admin Regulation 19?”

Answer – No. There are process in place for recording the exercising of delegated authority, however we cannot confirm that these were complied with at all times or on all occasions.

Regulation 19 of the Local Government (Administration) Regulations 1996 requires a written record of the following:

- (a) how the person exercised the power or discharged the duty; and*
- (b) when the person exercised the power or discharged the duty; and*
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

Findings

Out of the 20 samples tested during this audit, one item was found where an employee had completed an Exercise of Delegated Authority form for a delegation they previously held, which had subsequently been reviewed, removed and the delegation placed with their supervisor. In this instance the follow up communication of post review changes to the process was not effective.

Note that employees with delegated authority are required to file an annual return which creates administrative monitoring to remind, file, follow up, and remove return when the employee leaves the City or his / her delegation has been removed e.g. due to job change and maintain those returns for five years – LG Act Section 5.88(4).

The City has over 60 delegations covering various activities / functions and it is difficult to ensure every exercise of delegation is recorded. However, the City's approach is to design systems to streamline the recording of delegation exercised by attaching the Exercise of Delegated Authority form to the document / letter that exercises the delegation and save it in one ECM reference number for easy future retrieval. See example below.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

ECM 6710278



Exercise of Delegated Authority

Delegated Authority Number:	DA-061
Delegation Authority Title:	Closure of Thoroughfares
Delegated Officers Name:	Paul Hancock
Position:	Acting Manager Engineering

Please attach copies of reports which identify the manner in which the delegation was exercised and the details of the party/parties affected by this action.

Alternatively, complete the section below.

How was the Delegation Exercised:
TMP and TGS for demolition and construction works – 32 Blackwall Reach Parade, Bilton.
Details of Party Affected by this Action:
<p>Works will involve iSmart building Group to undertake Demolition and construction Works at 32 Blackwall Reach Parade from December 2021 to December 2022.</p> <p>The scope of this traffic management plan involves non-complex traffic management arrangements as per section 4.2.3 of the Main Roads of Western Australia's code of Practice. These traffic management arrangements will consist of the following:</p> <ul style="list-style-type: none"> • Directional Closure • Detour
Other References if Applicable:
PW1883676
Signature:
Date: 4 January 2022

Document Owner: Governance Officer

Date Reviewed: 12/12/2018



4 January 2022

Enquiries: Kamal Khatt - 8364 0807
Our Ref: PW1883676

Mr Dylan Rossi
Advanced Traffic Management (WA) Pty Ltd
22-24 Clayton Street
BELLEVUE WA 6066

Dear Mr Rossi

Demolition and Construction Works – 32 Blackwall Reach Parade, Bilton

Under the Local Government Act 1995 section 3.5, the City of Melville approves the Traffic Management Plan (TMP) for the proposed works at the abovementioned site. The approval is subject to the generic TMP 23405 Rev D, the associated Traffic Guidance Schemes (TGS) submitted and to the following conditions:

1. Working hours shall be as outlined in the approved TMP.
2. All signs and barriers are to be placed in accordance with the latest Main Roads WA Traffic Management for Works on Roads Code of Practice, AS 1742.3-2019, in accordance to the TGS submitted and monitored regularly.
3. Residents and business owners directly affected by the road closure shall be notified through a letter drop at least two weeks prior to the commencement of works on site.
4. Residents and businesses must have access to their premises at any time.
5. Impact on pedestrian and cyclist movements shall be minimised at any time during the works.
6. The verge shall not be used for storing materials or parking without a permit from the City.
7. This approval is valid for six (6) months from the date of approval. Should the works on site exceed six months; the Applicant is required to seek a new approval in order to continue working on site.
8. All relevant authorities are to be notified, accordingly.
9. Any damage to the carriageway, footpath, kerbing, and/or verge shall be reinstated to its original or better condition, and all debris is to be removed from the site upon the completion of the works.
10. The City reserves the right to amend this approval or withdraw it completely at its discretion.

The City of Melville does not guarantee or accept any liability whatsoever associated with this application by the issue of this notice.

If you require any further information or clarification regarding this matter, please do not hesitate to contact Mr Kamal Khatt, the City's Traffic and Road Safety Coordinator on 8364 0807.

Yours sincerely

Paul Hancock
Acting Manager Engineering

General Enquiries Tel: 1300 631 845 | 8364 0666 Email: melinfo@melville.wa.gov.au www.melvillecitycouncil.wa.gov.au
Street Address: 10 Almondbury Road, Booragoon WA 6146 Post Address: Locked Bag 1, Booragoon WA 6146
National Relay Service Tel: 1800 477 477 | 1300 555 757 www.nrs.gov.au www.relaynsw.com.au ABN: 81 153 433 960

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**Improvement Actions**

All service areas have been reminded of the requirements as part of this annual compliance/ educational audit.

3. Opportunity for Improvement**Integrated Planning and Reporting Section**

Question 2 – Has the local government adopted by absolute majority a corporate business plan? If yes, please provide the adoption date or date of the most recent review in the Comments section?

Answer – The strategic community plan and the corporate business plan were approved by Council on 15 September 2020 and the most recent review was conducted on 14 December 2021 as part of the review of the annual community report.

Regulation 19DA of the Local Government (Administration) Regulations 1996 states the following:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

Findings

Whilst the Council 'ensures' the corporate business plan is still relevant as part of the budgeting process and as part of the review of the community annual report process, it is considered more compliant if the corporate business plan is reviewed each year by Council as a separate item to ensure its relevance and appropriateness. It is also considered more compliant if the annual review of the corporate business plan includes matters relating to asset management, workforce planning and long term financial planning as specified in 19 DA(3)(c) above.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)**Improvement Actions**

The CEO has indicated that the City's corporate business plan is set at a high strategic level and the Executive Leadership Team continues to ensure its relevance. Nevertheless the CEO has agreed that the current process can be further enhanced and the corporate business plan including matters relating to asset management, workforce planning and long term financial planning will be reviewed by Council as a separate item every year going forward. This review of corporate business plan by Council will be incorporated in Council calendar and such review will be included in Minutes.

4. Opportunity for Improvement**Optional Questions Section**

Question 5 – "Did the CEO publish information on the local government's website in accordance with section 5.96A (1), (2), (3), and (4)?"

Answer - Yes

5.96A. Information published on official website

- (1) The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so —
 - (a) a map of the district showing the district boundaries and, if the district is divided into wards, the ward boundaries;

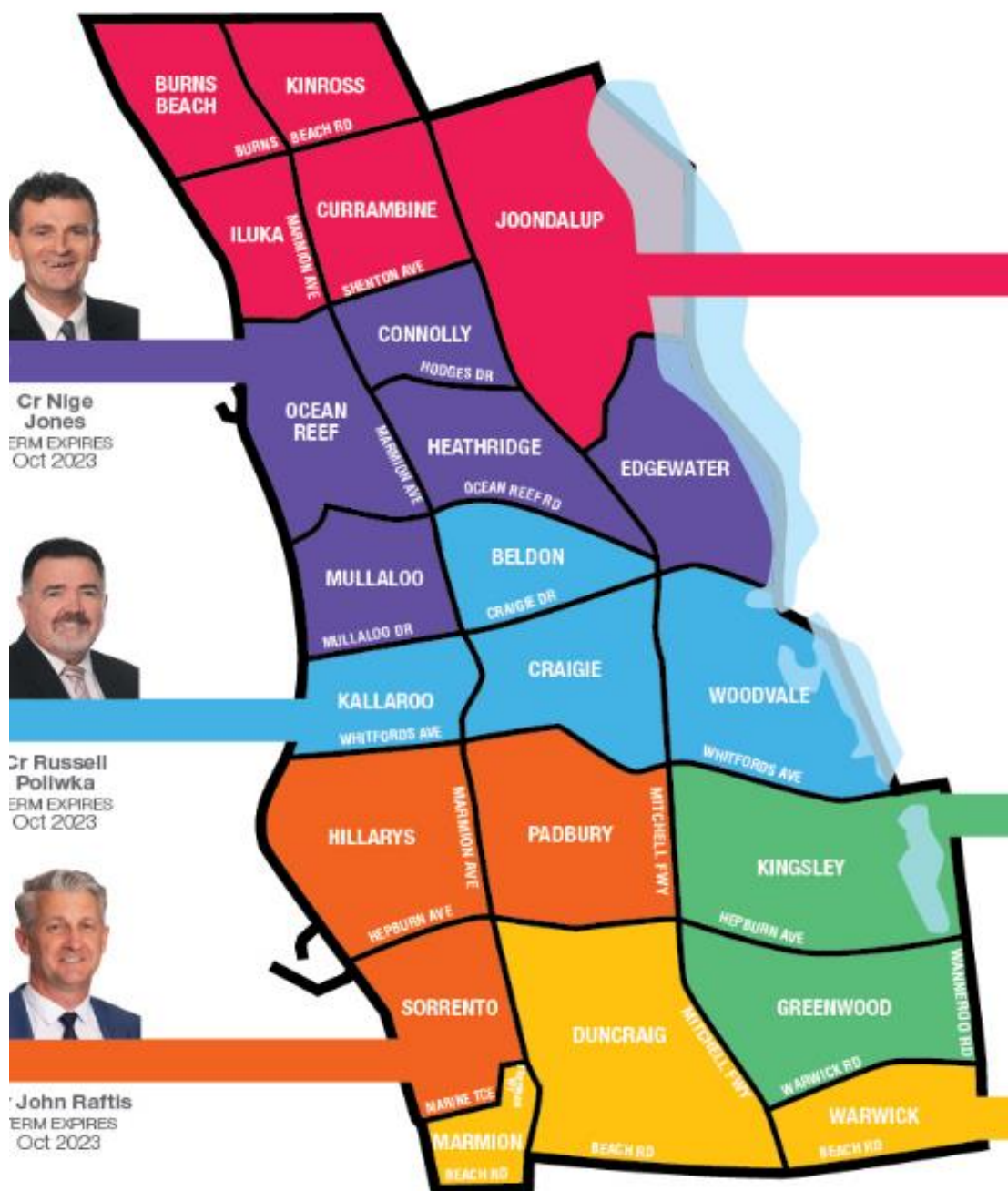
LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

City of Melville - ward map on website



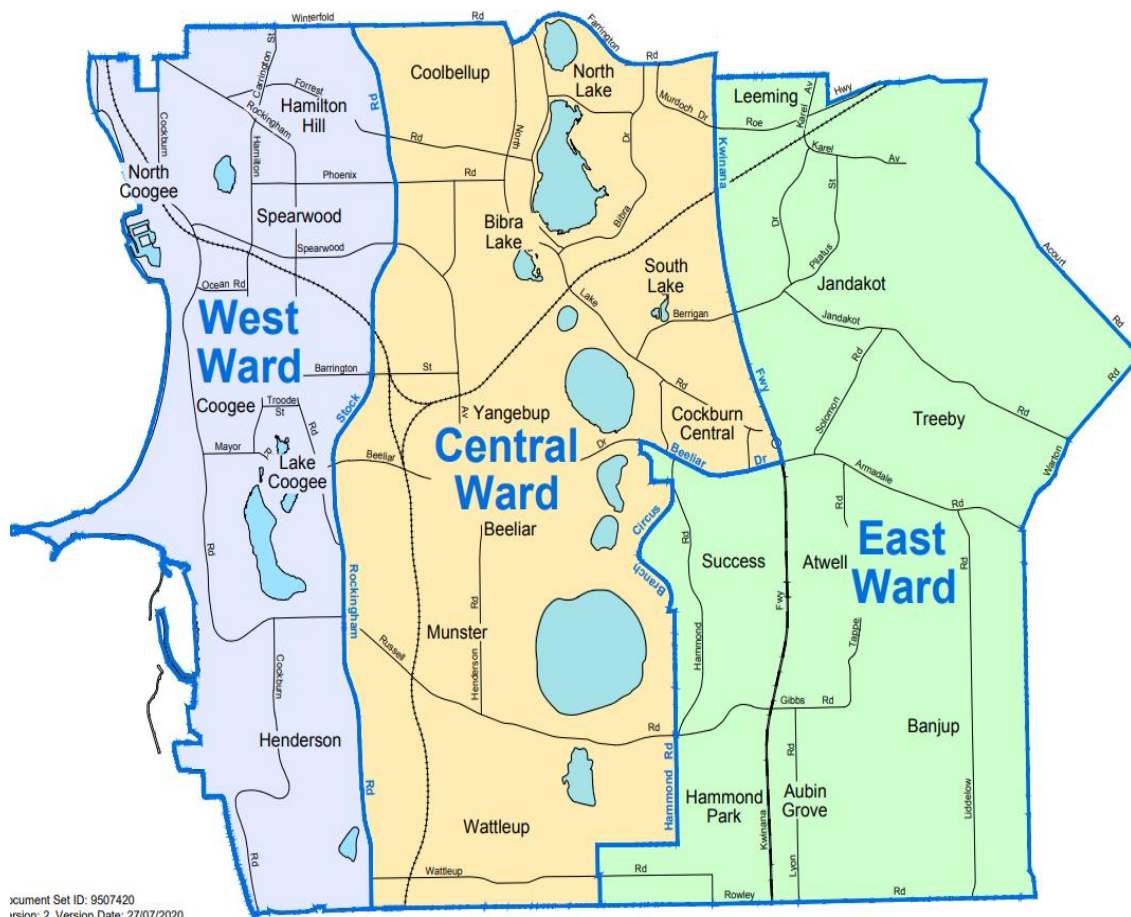
LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

City of Joondalup – ward map on website



LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

City of Cockburn – ward map on website



Findings

Whilst the map shows district / ward boundaries, it will be more compliant if street names of the boundaries are shown.

Improvement Actions:

The street names of the boundaries are in the process of being added to the City's ward maps and will be uploaded onto the website as soon as it is available.

End of report.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with any other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

As per the requirements of the *Local Government Act 1995*, Section 7.13(1) (i) and the *Local Government (Audit) Regulations 1996* (Regulations 13–15).

FINANCIAL IMPLICATIONS

There are no financial implications for the Council associated with this compliance audit.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The compliance audit will not impact on the strategies of the Council. There is no risk or environmental management implications in this report.

Risk Statement & Consequence	Level of Risk	Risk Treatment
The Compliance Audit Return is a statutory requirement and if the Return was not submitted, the Department of Local Government might take adverse action on the City.	Minor consequences which are possible, resulting in a Medium level of risk	Complete and submit the Return by the due date.

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with legislative requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The completion and submission of the Return by the due date is a statutory requirement.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

At 9:38pm Cr Barber left the meeting and returned at 9:38pm.

CONCLUSION

The City has demonstrated compliance to 98% of the questions provided by the Department of Local Government Sports and Industries for the 2021 Compliance Audit Return. Responses have been examined by the Process Improvement Auditor who has undertaken a check for correctness on the answers to all the questions, with Improvement Actions identified on two Non Compliances and two Opportunities for Improvement.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5901) APPROVAL

At 9:38pm Cr Pazolli moved, seconded Cr Edinger –

That the Council endorses the Compliance Audit Return for the period 1 January 2021 to 31 December 2021 5901 Compliance Audit Return 2021 and following certification by His Worship the Mayor and the Chief Executive Officer, the Compliance Audit Return 2021 be forwarded to the Department of Local Government, Sport and Cultural Industries.

At 9:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 9:40pm, the Mayor brought Forward Item T22/3962 - Dyoondalup Point Walter Mountain Bike facility for the convenience of the public gallery.

T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)

Ward : Bicton – Attadale – Alfred Cove
 Category : Operational
 Subject Index : Point Walter Reserve
 Customer Index : City of Melville, Technical Services
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Capital Works
 Funding : Local Roads and Community Infrastructure (LRCI) Program Phase 3
 Responsible Officer : Jeff Bird
 Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Environmental damage is becoming an increasing and ongoing issue for the City due to informal and unauthorised bike tracks being constructed in bush reserves.
- An informal bike track established at Art Wright Reserve Palmyra in 2020 was closed due to vegetation damage and asbestos excavated by bike riders building tracks.
- The Art Wright Reserve closure resulted in the City indicating a more formal mountain bike track would be established at a suitable location in the western half of the City through a consultative process involving the community.
- An evaluation of potentially suitable sites was undertaken to identify the most appropriate location, including a tour of these sites with Elected Members, resulted in the nomination of a degraded area at Dyoondalup Point Water Reserve as the preferred site. This area was already being used as a mountain bike track by local youths.
- A range of consultation and engagement activities have been undertaken at Dyoondalup Point Water Reserve during the early planning and design phases.
- Common Ground Trails was engaged to develop a Masterplan for a mountain bike facility at Dyoondalup Point Water Reserve.
- Local Roads and Community Infrastructure Program (LRCI) funding is available for the project and the local Federal Member of Parliament has encouraged the City to use the funding for the mountain bike facility at Dyoondalup Point Water Reserve.
- 93.31% of participants involved in the January 2022 engagement process support the draft Concept Plan at the location.
- Some opposition to the project was received citing environmental and historical issues associated with the selection of Dyoondalup Point Water Reserve as the preferred location.
- Officers seek Council support to progress the project to detail design and construction, subject to securing all required State regulatory approvals.

BACKGROUND

Natural areas and parks within the City of Melville are frequently utilised by BMX and mountain bike enthusiasts who construct tracks and jumps to enhance their experience. Unfortunately, there are many examples of this uncontrolled activity causing significant damage to vegetation within parks and bushland areas.

With the growth of BMX and mountain bikes, environmental damage is becoming an increasing and ongoing issue for the City, with considerable resources expended to undertake repairs to infrastructure and environmental restoration/remediation activities.

Below is a summary of the reserves which have been impacted, the damage caused and the approximate costs of restoring the sites over the last 10 years. These costs relate to on-ground works only and do not include staff time responding to customers, education campaigns and activities, planning and ongoing monitoring.

- Wal Hughes Reserve, Attadale 2013 and 2019. Restoration involved fence construction, terrain restoration, direct seeding, hire of plant, signage, revegetation and ongoing maintenance. (Restoration costs \$15,000);

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

- Blackwall Reach Reserve (southern end of reserve), Bicton. 2016 and 2018. Terrain restoration involving seven staff over a seven day period, hire of plant, revegetation, ongoing maintenance. (Restoration costs \$11,000);
- Point Walter Reserve (2016 and 2019 - north western section). Extensive track work that required comprehensive terrain restoration. Track extended for 180m through bushland. Estimated cost of the 2016 restoration \$15,000 and a similar costing would be involved in the 2019 clean up. In addition, further vandalism occurred at the reserve in 2020 and 2021 after the closing of the track at Art Wright Reserve;
- Phillip Jane Reserve, Leeming (southern section parallel to McGuinness Ave), extending 50m through exceptional high biodiversity bushland (2008 and 2019) and in both cases required terrain restoration and brushing. (Restoration costs \$5,000);
- Ern Stapleton Reserve, Attadale (central concrete path, downhill section), 2008 and 2015/16. This reserve, because of its sloping terrain is frequently targeted for BMX tracks but because of the frequency of maintenance schedules, Environmental Maintenance Teams have been able to prevent the progression of the construction. (Restoration costs \$2,000);
- Carawatha Reserve, Willagee and Redgum Reserve, Kardinya have recently had tracks constructed within them. (Restoration costs \$2,000);
- Damage to the nature play area at Kadidjiny Park, Melville has been significant in the past few months since the removal of the bike track at Art Wright Reserve. (Restoration costs \$2,500);
- Art Wright Reserve, Palmyra - this was well documented in the media. (Restoration costs \$5,000); and
- Olding Park, Melville, Connelly Park Brentwood, Robert Smith Park, Winthrop and Three Bears Park Palmyra, in the past year have had tracks constructed. (Restoration costs \$10,000).

Collectively, the City has expended approximately \$70,000 on the restoration of bushland and park areas impacted by unauthorised bike use over the last 10 years. The City has been managing the ongoing construction of these tracks by removing them when they were identified, however these incidences are increasing and consuming more resources.

In May 2020, construction of a track at Art Wright Reserve, Palmyra resulted in asbestos fragments being discovered when excavation of the ground caused by bike riders was undertaken to construct the track.

As a result of the asbestos discovery, it was necessary for the City to close the bike track and restrict access to the asbestos contaminated area given the safety hazards. Following the closure of the track, there was considerable frustration expressed by the riders and many parents who believed the City was cutting off an opportunity for kids to pursue healthy, outdoor activities.

This further escalated into a more contentious issue with media attention, resulting in a meeting with the Mayor, Ward Councillors and City officers to discuss this issue with the local community surrounding the Art Wright Reserve on 16 June 2020.

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

There was a mix of feedback with community members both for and against the track remaining at Art Wright Reserve and at other nearby locations. The meeting highlighted there was a strong community desire for a locally accessible mountain biking opportunities for youth in the area.

A key outcome of the meeting was that the City to engage with the community and investigate an alternative and suitable location for a formal mountain bike track in the western half of the City.

Following numerous site investigations, community consultation and stakeholder engagement activities over the last eighteen months, a location within Dyoondalup Point Water Reserve was selected as the most advantageous location for a significant mountain bike track.

The concept design that has been a bike trails concept and master plan developed by the design contractor Common Ground involving active participating from interested community members.

DETAIL

Following on from the 16 June 2020 meeting, City officers began investigating possible locations on the western side of the City deemed potentially suitable for a mountain bike trail. Consideration of the following criteria was taken into account for potential locations:

- Adequate slope and change of elevation to facilitate track features valued by users;
- Provision of basic facilities in the longer term (water fountain, toilets);
- No sensitive bushland at risk of damage from use;
- Located in shady position to provide UV protection;
- Adequate supervision by the wider public to discourage anti-social behaviour and vandalism;
- Adequate buffer distance from residence to ensure local amenity impacts are mitigated; and
- Accessible to the local youth with an active interest in using the facility.

Referencing the key criteria the following locations were shortlisted after the initial investigation by City Officers:

- Alan Edwards Park, Kardinya
- Frank Cann Park, Kardinya
- Ormand Bowyer Park, Kardinya
- Webber Reserve, Willagee
- Woolshed Park, Palmyra
- Rob Campbell Reserve, Bicton
- Dyoondalup Point Water Reserve, Attadale

During October 2020, the City initiated a stakeholder engagement process to canvas the options for a mountain bike track at Dyoondalup Point Water Reserve and received overwhelmingly positive feedback from responses on Melville Talks. However some negative feedback was received, particularly regarding the lack of opportunity for respondents to oppose the proposed location, leading to the consultation process being placed on hold.

In reviewing the feedback and in further discussions with the Mayor and CEO, it was considered appropriate to further engage Elected Members, particularly Ward Councillors, to discuss potential locations for the facility.

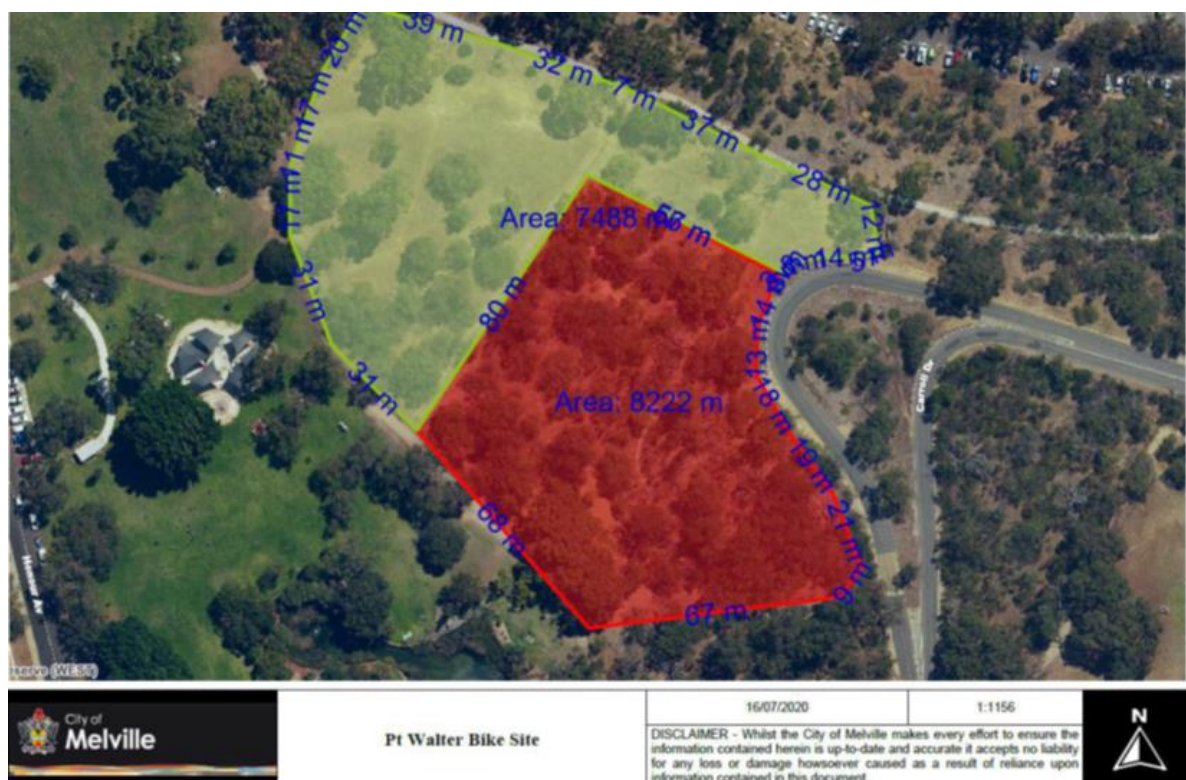
T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)

This led to a meeting in December 2020 with key City Officers and Elected Members who met on-site at the locations that were originally shortlisted to discuss the pros and cons to each site taking into consideration the criteria developed by officers as part of their initial investigations.

At the conclusion of that meeting, taking into account the key criteria, it was agreed that the Dyoondalup Point Water Reserve site was the most advantageous location for the proposed bike track. The Dyoondalup Point Water Reserve was identified as the preferred location due to a number of factors including:

- the area was already being used informally and it made sense to formalise this use whilst addressing any potential access, safety and conflict issues;
- the area proposed for the track is a degraded section of the reserve with limited use at the moment, however is well suited to establishing mountain bike tracks due to the local topography and the relatively isolated location;
- the mountain bike use would complement existing recreational facilities and amenities at the reserve;
- the site has a suitable level of public supervision, thereby minimising the occurrence of anti-social behaviour;
- the reserve regularly patrolled by the Community Security Service (CSS) and can be monitored to ensure that the mountain bike use is undertaken responsibly;
- the City could easily remove the track and reinstate the land should it create undesirable outcomes; and
- there is a dedicated parks maintenance team that manages the golf and park areas that would be in close proximity who could manage any urgent issues that arise at the bike track.

The preferred location as determined by City officers is shown as the green shaded area in the picture below, noting the red area is good condition bushland area that would not be accessible.



**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

The areas proposed for the mountain bike track is largely cleared and in a degraded condition with weedy undergrowth and uneven ground. The area is maintained by seasonal slashing.

The vegetation in the site consists of predominately introduced veldt grass understorey with a mix of overstorey trees including Tuarts (*Eucalyptus gomphocephala*), WA Peppermint (*Agonis flexuosa*), conifers (various species) and a couple of Marri's (*Corymbia calophylla*) in the northern corner of the site.

All of the trees will be retained and protection measures put in place to ensure their retention and health. The site will also be fully rehabilitated and revegetated using locally native plant species that form an integral part of the design.

A number of images below provide aspects of the site, noting the path along the lowest part of the site will be retained and be separated to minimise conflicts between path users and mountain bikers.



View from the lower path looking south east to higher ground

T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)



The central part of the site showing the extent of clearing and grass coverage



The north western boundary of the proposed site

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

The City then began the process of engaging a consultant to develop a concept design, which included a community workshop to assist in forming the final concept design. The successful consultant was Common Ground Trails. A community design workshop was held at Dyoondalup Point Walter Reserve on Saturday, 17 April 2021. The consultant used the community feedback obtained in the workshop to inform the concept design.

The Concept Design forms an attachment as part of this agenda item. [3962 Point Walter Reserve Concept Design Only.](#)

Key components of the Concept Design include:

- Primary trail head and shelter;
- Learn to ride track;
- Pump track;
- Proposed concrete path;
- Mountain bike secondary trail head start mound;
- Gravity trails;
- Rest platform;
- Skills trail;
- Jump lines secondary trail head start mound;
- 10 jump lines;
- Dual direction trail; and
- Return climb trail

The final concept plan is the culmination of the master planning document which outlines the project introduction, review of the site and design process. The Dyoondalup Point Walter Detail Masterplan Report forms an attachment as part of this agenda item. [3962 Point Walter Concept Plan Report.](#)

The masterplan report has been developed through a detailed engagement process to ensure that the end result is a park that will be special to the City of Melville as a multi-generational facility that responds to the feedback received during the consultation process. The City and Common Ground Trails are confident the design will provide a mountain bike facility that will meet the needs of the bike riding enthusiasts, bike novices and the wider community.

It is also important to note that a component of this project will be to further engage with the community and users of the facility in environmental restoration works. This project will provide an opportunity to continue the work that has been completed to date on educating the community, in particular the mountain bike riders, on the importance of protecting the City's natural areas through responsible use of reserves. It is hoped that a Friends of group could be formed to work with existing volunteers groups and interested park users to assist in restoration activities and the ongoing care of the site.

The development of this facility would be a great addition for a wide range of ages, particularly youth, to enjoy as their space. It is relevant to note that there is reference made in the draft Directions From Young People Strategy to the importance of youth spaces with specific "youth focus" goals being:

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

1. Young people can access and engage in variety of youth-friendly spaces in the City of Melville.
2. Young people have the opportunity to participate in youth-focused programs, activities, and events in their areas of interest.
3. Young people can contribute to the design and implementation of youth projects, events and facilities.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The overall objective of the engagement was to work directly with the community throughout the process to ensure community concerns and aspirations were consistently identified, understood and considered.

Stage 1 – Community Outreach

During October 2020, the City sought community preference for the type of mountain bike facility features through a survey and onsite event. Following the closing of the survey, key City Officers and Elected Members met on-site and other locations to discuss concerns, issues, opportunities and preferred location.

Stage 2 – Community Workshop

On 17 April 2021, community - including youth, mountain bike users, potential future users, reserve users and our local residents were invited to attend an onsite working group to identify features, detail design and spatial layouts for the proposed facility.

Stage 3 – Elected Members Briefing Session

Elected Members were invited to view the first draft concept plan and to provide feedback at an Elected Members Briefing Session in November 2021.

Stage 4 – Public Comment

Community were invited to complete a formal submission via the dedicated Melville Talks project page. In line with the Disability and Access Inclusion Plan, alternative methods of engagement, (in person and over the phone) were made available upon request. A survey was also made available for the younger community at an onsite Rock and Roll Mountain Bike event. Consultation took place 17 January – 7 February 2022.

Key findings of Stage 4 Engagement are as below:

- 93.31% of participants support the draft Concept Plan
- 77.02% of participants informed City they were residents of the City of Melville, with 16.75% informing us they reside in Bicton and 17.52% in Attadale.
- 58.75% of participants informed us they were 35-54 years of age, with 14% being 5-24 years of age.
- Social media, word-of-mouth, eNewsletter and direct email notification was rated the highest in how the community heard of the opportunity to provide comment

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**Community are most excited about:

- Locality.
- All ages activities, especially for young people.
- Increased community outdoor recreation.
- Community benefit.
- Design elements.
- Increased activation of the area.

Community are most concerned with:

- Locality.
- Elements within the track, (separation and congestion).
- Riders safety, (responsible riders and appropriate signage).
- Bush Forever status of the reserve and environmental concerns.
- Antisocial behaviour.
- Issues with hard track surfaces, (asphalt).
- Cost of infrastructure.

The full Public Comment Communication and Engagement Report forms an attachment as part of this agenda item. [3962 Point Walter Mountain Bike Facility Communication and Engagement Report.](#)

Specific Submission Report comments forms an attachment as part of this agenda item. [3962 Point Walter Mountain Bike Facility Submission Report.](#)

II. OTHER AGENCIES / CONSULTANTS

Common Ground Trails were engaged to run community workshops and to develop the concept design. It was not possible to fully assess the impact of park features until community consultation was sufficiently advanced and the Concept Plan was completed. Now that both have been completed, the City are working through site specific issues, particularly in relation to trees on site and the management of drainage.

State agencies to be consulted include:

- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Planning, Lands and Heritage (DPLH);
- Western Australian Planning Commission (WAPC);
- Department of Water and Environmental Regulation (DWER); and
- Department of Local Government, Sport and Cultural Industries (DLGSC).

Preliminary discussions have been held with these agencies. Approvals are not required from DPLH (Aboriginal Heritage), DLGSC or DWER (unless vegetation is to be cleared), however DBCA and WAPC approval would be required.

DBCA approvals are not able to be sought until Detailed Designs have been prepared. The City will be liaising further with DBCA to address any preliminary concerns to ensure that these are addressed during the detailed design phase of through appropriate management measures. Some of the issues raised in the community and communicated to DBCA include

**T22/3962 - DYONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

- Potential Threatened Ecological Community status;
- Bush Forever status; and
- Environmental impact of the facility on trees within the site.

DBCA is also the referring body to DPLH on any matters relating to development within Bush Forever sites.

DLGSC staff have expressed support for the project, especially as it will benefit their Point Walter Recreation and Conference Centre facility.

STATUTORY AND LEGAL IMPLICATIONS

Remnant native vegetation is protected under State and Federal Government legislation:

- Environmental Protection Act 1986 (EP Act) and its subsidiary regulations
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8)

If remnant vegetation (including individual trees) is required to be cleared, it needs to be referred to DWER. If an area is also assessed as being part of a Threatened Ecological Community (TEC), it may trigger referral to the Federal Department of Agriculture, Water and the Environment. Indications to date is that this will not be required, however this will be assessed by DWER as part of their permit process.

The Concept Plan does not indicate any vegetation clearing, however detailed design has not yet been completed; once this is done it will show what vegetation – if any - needs to be cleared. All efforts will be made to avoid any clearing with the ultimate aim being to increase the extent and health of native vegetation on this site. If there is any clearing identified, a vegetation clearing permit will need to be sought from DWER.

In terms of the TEC assessment, although partially mapped as Banksia Woodland, there are no Banksias at present on any part of the project site. There are Tuarts on site and the City's Natural Area staff have undertaken an assessment under the Tuart Woodland and Forests of the Swan Coastal Plain TEC characteristics.

The project site was shown to be degraded to completely degraded and lacking the necessary number of understory species to qualify as being part of the protected TEC. However, due to its close proximity to the Tuart Woodland to the north, (within the specified 60 metre distance) it is recorded as one patch, despite being intersected by a footpath. The site also contains several large habitat trees. Therefore it has the potential to qualify as TEC in the greater context of the surrounding vegetation and further investigation is required to determine if this is the case and the implications.

A tree survey was also carried out that identified a mix of seven native species with the majority of Tuarts located along the northern boundary. There is scope to achieve a greater environmental outcome if the northern areas are revegetated, particularly in the north-western corner. This could also address community concerns over the hard surfaces shown on the Concept Plan; such as consideration for modifying or removing some elements such as the pump track. Further investigations will be undertaken in this regard.

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

Other State legislation that applies to the site includes:

- Aboriginal Cultural Heritage Act 2021
- Swan and Canning Rivers Management Act 2006

The project area does not currently require any approvals from DPLH as it is not a registered Aboriginal Heritage site. The new Aboriginal Cultural Heritage Act was introduced on 22 December 2021 and has allowed for a 12 month transitional period to ensure the new Aboriginal cultural heritage management system is fully established and to enable parties to prepare for the new system. In light of this, we are engaging with our First Nations team to ensure we work within the new system parameters.

The project area does fall partly within the DBCA Development Control Area, similar to Tompkins Park, and approval for the works will need to be sought. Under Clause 30A(2) of the Metropolitan Region Scheme, the Swan River Trust provides advice on developments to the Western Australian Planning Commission (WAPC). In routine cases, this function will be performed under delegated authority by DBCA officers. Complex issues may be referred to the Swan River Trust Board.

DBCA are also the referral agency for providing technical advice on developments that may potentially impact a Bush Forever site. DBCA undertake the assessment and approval process at the Detailed Design stage as they require the full extent of the project to be known in order to make an informed decision. DBCA already manage an extensive network of mountain bike trails in a number of their own reserves, however, the proximity to the river requires the project to be assessed under the *Swan and Canning Rivers Management Act 2006*.

The City of Melville's own environmental policies and strategies include:

- Corporate Environmental Strategic Plan;
- Corporate Environmental Strategic Framework;
- Sustainability Policy CP-057;
- Environment Policy CP -030;
- Natural Areas Asset Management Plan;
- Urban Forest and Green Space Strategy; and
- Adapting to Climate Change in the City of Melville 2012-2017 (being reviewed).

All of the above make provisions for the protection and enhancement of natural vegetation and the mountain bike facility should not be at variance with these policies and strategies as one of the major aims of the project is to increase the extent of native vegetation that currently exists on site.

FINANCIAL IMPLICATIONS

A project estimate was required to be prepared by Common Ground Trails as part of the scope of works. An estimate was provided to the City based on the Concept Design that took into consideration all the components of the design. The estimate was provided to the City in August 2021 totaled \$1,184,462. The GST component is estimated at \$118,446.

As part of the Federal Governments COVID Recovery Plan, the Local Roads and Community Infrastructure Program (LRCI) grant allocation program has been set up to stimulate additional infrastructure construction activity in local communities across Australia and to assist communities in managing the economic impacts of COVID-19.

T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)

The latest round of funding, LRCI Program Phase 3, has been released and the City of Melville will receive a grant allocation of \$1,488,436. The project has been discussed with the Federal Liberal Member of Tangney (Hon. Ben Morton) who has strongly encouraged the City to allocate the LRCI Phase 3 grant funding towards Point Walter Mountain Bike facility. This is a significant opportunity for the City as it is likely that the funding for the project will be met through the LRCI grant allocation.

Subject to gaining the necessary approvals, the City would utilise the LRCI funds to construct this project. The City is required to nominate where the funds will be spent by 30 June 2022.

It is anticipated that once detail design is completed and due to the heated construction industry there will be an increase in costs to build this project. As outlined above the concept design estimate is \$1,184,462 and with the \$1,488,436 available in funding there is a surplus of \$303,974 available to assist with covering additional costs if required.

Once constructed, an annual maintenance budget estimated to be \$20,000 to \$40,000 will be required. As this is a unique space, it is difficult to full appreciate the full extent of ongoing maintenance requirements until the facility is in place and operational.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Reputational damage due to not constructing the mountain bike track at Dyoondalup Point Walter, including political risks related to grant funding allocation	Moderate consequences which are possible, resulting in a Medium level of risk	Progress to detail design of the track and continue working with stakeholders to ensure all relevant requirements are met. Continue to liaise with the Member for Tangney.
Reputational damage due to not conducting adequate community consultation.	Moderate consequences which are likely, resulting in a High level of risk	Continue to build on the extensive consultation activities already undertaken and ensure there is ongoing stakeholder engagement with those supporting and opposing the proposal.

T22/3962 - DYONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)

Reputational damage due to not observing the City's own management strategies (including the Natural Areas Asset Management Plan, Urban Forest Strategy and the Climate Change Emergency Declaration)	Moderate consequences which are possible, resulting in a Medium level of risk	Protect existing vegetation as far as practicable. If any native vegetation clearing is required, minimize impact and adhere to any environmental conditions and requirements. Continue to engage with environmental stakeholders and encourage community involvement in restoration works to engender interest in protecting the project area vegetation.
Breach of statutory obligations; particularly in relation to the Environmental Protection Act, the Environmental Protection and Biodiversity Conservation Act, the Swan and Canning Rivers Management Act and the Aboriginal Cultural Heritage Act.	Major consequences which are unlikely, resulting in a Medium level of risk	Ensure adequate consultation and necessary permits are obtained prior to any project works being undertaken.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Decline in extent of Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community	Major consequences which are unlikely, resulting in a Medium level of risk	The project area has been assessed as Degraded to Completely Degraded however may still contain Tuart Woodlands Threatened Ecological Community due to its proximity to better quality bushland. The revegetation included in the project is likely to increase the potential for TEC classification and reduce this risk.
Decline in extent of Banksia Woodland Threatened Ecological Community	Moderate consequences which are unlikely, resulting in a Medium level of risk	The area in question does not contain Banksia Woodland. Ensure mapping is updated to reflect this.
Loss of biodiversity	Moderate consequences which are possible, resulting in a Medium level of risk	Ensure that minimal or no native vegetation is cleared, that revegetation is undertaken and that regular ongoing monitoring and maintenance of the site is carried out.

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

Sustainability Policy CP-057 states that the City will *“meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.”*

Environmental Policy CP-030 states that the City aims to *“prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City of Melville’s biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.”*

ALTERNATE OPTIONS AND THEIR IMPLICATIONSAlternative Option 1

Remove the Learn to Ride Track and Pump Track – once deleted from the design the estimated cost to build the remaining aspects of the track would be approximately \$814,000.

The benefit in any reduction in the scale of the project would be the ability for larger spaces in the area to be environmentally restored and reduce the impact the track would have on the area. This option would present an opportunity to distribute a learn to ride track or pump track at another location in the City which would create a more equal distribution of bike facilities across the City.

The disadvantage of this option is it removes the aspect for those learning to ride an opportunity to advance their skill level in one location or for a family of all ages recreating in one spot.

Alternative Option 2

Construct only the Gravity and Skills Trails – estimated cost to construct only this aspect would be \$586,287. The benefit in any reduction in the scale of the project would be the ability for larger spaces in the area to be environmentally restored and reduce the impact the track would have on the area. This option would create a more equal distribution of bike facilities across the City, but significantly reduce the diversity of experiences on offer and reduce the multi-generation aspect of the project.

Alternative Option 3

To not support this location for the establishment of a mountain bike track facility and recommence investigations into other locations for a track within the western half of the City. This option would not resolve ongoing damage caused by unauthorised use of bushland reserves for mountain bike activities in the short to medium term.

**T22/3962 - DYOONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)****CONCLUSION**

The sport of mountain biking has increased in popularity globally and in Perth in recent years, with the added complication of current and potentially future travel restrictions that result in the community looking to recreate closer to home. Natural areas and parks within the City of Melville are frequently utilised by BMX and Mountain Bike enthusiasts who construct tracks and jumps to enhance their experience.

This project was developed as a result of the growing demand of the sport and damage being caused by bike riders creating informal tracks which are negatively impacting the City's environmental areas. Many of these areas have higher biodiversity conservation values when compared to the selected location at Dyoondalup Point Walter Reserve. The construction of this track provides an opportunity to meet a growing demand in mountain bike riding as well as meeting the need of the youth in the community who are seeking new and improved facilities for their age group to utilise and to establish a youth space to support inclusion outcomes.

The City is confident that the facility can provide a sustainable and high quality mountain bike facility, whilst protecting and enhancing the natural values of the site. As one of the City's most prominent district destination parks, Dyoondalup Point Walter Reserve is well placed to accommodate the mountain bike facility without detracting from the existing uses of the reserve. In fact, the multi-generational aspects associated with the full development of the facility will increase recreational opportunities whilst catering for a use that is currently not catered for in the City.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3962)**APPROVAL**

At 9:40pm Cr Barber moved, seconded Cr Robins –

That the Council:

- 1. Supports the Dyoondalup Point Water Reserve as the preferred location for the establishment of a mountain bike facility.**
- 2. Supports the Dyoondalup Point Water Reserve Concept Plan and for it to be progressed to the detailed design and construction phase, subject to securing all required regulatory approvals.**

At 9:40pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 9:40pm The Mayor brought Forward Item T22/3976 - Attadale Alfred Cove Foreshore Master Plan for the convenience of the public gallery.

Disclosure of Interest

Member : Cr Wheatland
Type of Interest : Interest under the Code of Conduct
Nature of Interest : Chairperson of South Metro Regional Development Council (Community Football) Attadale Junior Football Club are within the Master Plan area
Request : Stay and Discuss
Decision Leave : Stay and Discuss

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Ward : Attadale – Alfred Cove
Category : Operational
Subject Index : Attadale – Alfred Cove
Customer Index : City of Melville, Technical Services
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items : Item T20-3876 Attadale-Alfred Cove Master Plan – Community Consultation and Plan Preparation – Ordinary Meeting of Council held 20 and 21 October 2021
Works Programme : Commencing works in 2022/23 Works Program and continuing over several years
Funding : \$220,000 included in the 2021-2022 budget, with future allocations subject to the adoption of annual budgets and the Long Term Financial Plan
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 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>

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- On 19 February 2019, Council resolved to investigate the establishment of a Wildlife Sanctuary at Troy Park peninsula.
- Following the unsuccessful proposal to establish a Wave Park in Alfred Cove, the City sought to engage with the community and other key stakeholders to establish a vision for the Alfred Cove and Attadale (and a small section of Applecross) foreshore area that will promote its attractions, guide future investments and support decision making processes.
- The preparation of a Master Plan report for an extended study area covering Attadale and Alfred Cove was identified as the most appropriate way to identify the values of the area and guide future foreshore management priorities and investment for the next twenty years.
- Element Advisory were engaged by the City in late 2020 to prepare the Attadale Alfred Cove Foreshore Master Plan (AACFMP) and undertook an extensive range of community consultation and engagement activities during the preparation of the Master Plan project through a partnership process involving the City of Melville, State Government and key stakeholder groups.
- A four-day Charrette was the cornerstone stakeholder engagement event for the project and was supported with four workshop sessions with the Whadjuk Noongar Elder Reference Group.
- A high-level community values survey was publicly released on the MelvilleTalks project page during March-April 2021 and received over 650 responses.
- A Key Stakeholder Workshop conducted in May 2021 was attended by 29 key stakeholders from community, sporting, and environmental groups relevant to the site.
- Meetings with State Government agencies were undertaken prior to the Charrette and on-going meetings between the City and the consultant project team monitored the progress of the Master Plan preparation.
- Some resident opposition to a number of the earlier aspirational ideas presented by the consultants at the design charrette resulted in a petition to remove an option involving two Ovals on the Attadale foreshore from the plan.
- The draft Master Plan was advertised for public feedback from 29 October to 5 December 2021 and the responses received are presented in the attached Outcomes Summary Report.
- The endorsement of the Master Plan does not commit the Council or the State Government to the implementing the recommendations contained in the plan as most proposals will require further planning, investigation, the development of business case and funding in order to progress.
- All proposals will require budget allocations as adopted by Council annually and commitments of State funding or grants for partnership projects in order to proceed.
- Officers seek Council support for the recommendations and staging plan described in the Master Plan.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)**BACKGROUND**

The Attadale and Alfred Cove foreshore area has been the subject of numerous proposals over the years aimed at enhancing and improving the area including:

- Fenced dog exercise area at Attadale Reserve (which was not supported by the local community, and therefore did not proceed).
- Attadale Foreshore Swan Breeding Habitat proposal based on a report prepared by Bamford Consulting Ecologists in 2018 titled The Black Swan at Alfred Cove and referred to as the Burke Drive Concept Plan (this did not proceed).
- Troy Park Wildlife Sanctuary proposal based on Council resolution dated 19 February 2019 (recommended in the Master Plan).
- Friends of Melville Bird Sanctuary proposal (recommended in the Master Plan).
- Troy Park Junior Sports Clubroom Development Concept Plan prepared by the Troy Park Sporting Association (recommended in the Master Plan, subject to further investigation and stakeholder engagement).
- Alfred Cove boardwalk proposal and path realignment concept project, including streamlining, habitat restoration and wetland reconstruction based on a preliminary design prepared by the City of Melville for consultation with DBCA and stakeholders (recommended in the Master Plan).
- Atwell Creative Precinct upgrades including:
 - proposed refurbishments to Atwell Gallery (concept design prepared and recommendation to prepare layout plan in Master Plan)
 - construction of a new ceramics building to house the South of the River Potters Club (construction underway)
 - path access and realignments (to be considered in layout plan recommended in the Master Plan)
 - Melville Bowling Club redevelopment proposal being developed by Melville Bowling Club (concept design prepared and recommendation to prepare layout plan in Master Plan).
 - Tompkins Park – various upgrades to change rooms, parking and other improvements (construction underway or planned as next stage of refurbishment).

This foreshore area has significant environmental value but is also experiencing significant recreational demand for amenities. Rather than looking at each facility or area individually, the City identified the opportunity to take a holistic and long-term approach for planning future needs through a comprehensive Master Planning process that involved significant engagement with the community and various stakeholder groups relevant to the site.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Consultants Element Advisory and a broader sub-consultant team were appointed by the City to lead the process and prepare the Master Plan document. The team included subject matter experts: Syrinx Environmental (environment), CCS Strategic (recreation, sporting and community assets), Karda Designs (Aboriginal Participation and Engagement, and Culture and Heritage), Porter Consulting Engineers (access, traffic and infrastructure), ASPECT Studios (landscape architecture), and Seashore Engineering (coastal and foreshore processes).

The Master Plan;

- Is a long-term strategic document and vision for the area
- Provides overarching guidance and coordination for growth, development or maintenance
- Acts as a framework with key principles and shared values to assist future planning or decision-making
- Focuses on good practice, aspirations and intended outcomes
- Provides recommendations around future management, enhancement and investment
- Doesn't override or change existing statutory processes or protections relevant to the study area.
- Doesn't determine or make decisions on external proposals themselves
- Is not a statutory document

The Foreshore Master Plan project study area includes the following key attributes:

Natural Heritage Values including:

- Buffer and ecological corridor for the Swan Estuary Marine Park and associated A-Class Nature reserve.
- Threatened Ecological Communities (such as the temperate coastal saltmarsh and remnant pockets of Melaleuca dampland and Eucalypt woodland and threatened species such as trans- equatorial migratory birds).

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

- One of the few remaining natural visual landscapes surviving in the Lower/Middle Swan River Estuary.
- Bush Forever status species, falling within the Swan River Trust Development Control Area (DCA) covered by the Swan and Canning Rivers Management Act 2006.

Cultural Heritage Values including:

- Locations along the foreshore area and the Swan River (Derbarl Yerrigen) as cultural and spiritual significance to the Aboriginal people.

Infrastructure/Facilities/Buildings Including:

- The shared path forming part of the river walk connecting Perth to Fremantle.
- Atwell House Arts Centre (leased by the City to Melville Community Arts Association Inc.).
- Melville Bowling Club (freehold land within the Tompkins Park precinct and leased by the City to Melville Bowls).
- Tompkins Park (freehold land containing sporting ovals, with 'Tompkins on Swan' function centre and associated facilities leased by the City to the Tompkins Park Community and Recreation Association Inc.).
- Various infrastructure, such as stormwater drains discharging into the Swan River/Marine Park, and ancillary buildings located within the study area.

Open Space Including:

- Attadale Reserve along Burke Drive (rehabilitated and grassed landfill area managed by the City and adjacent to the Point Walter Reserve, utilised for dog walking and recreation).
- Attadale Conservation Area (fenced and revegetated natural area providing habitat to native wildlife and managed by the City).
- Alfred Cove A-Class Nature Reserve (a narrow ribbon of native vegetation along the river shoreline, managed by the Department of Biodiversity Conservation and Attractions – DBCA).
- Crown land managed by the City.
- Point Waylen (in the care of DBCA), which is mostly grassed and managed by the City.
- Troy Park Peninsula and recreation area (managed by the City and leased to the Troy Park Sporting Association, including clubrooms and sporting facilities).
- Atwell House Creative precinct (formally wetland and now grassed, low-lying damp land managed by the City).
- Tompkins Park (sports park with associated facilities, active recreation areas and significant stands of mature trees).

DETAIL

The following objectives created by the project team guided the project and the preparation of the Master Plan:

- Identify, celebrate and protect Whadjuk Noongar sites of significance, embed cultural values and value systems, and provide opportunities for Whadjuk Noongar people, culture and heritage
- Improve the quality of experiences, facilities and amenity across the study area
- Enhancing the local environment, uses, amenity and access while balancing the conservation of viewpoints to the river

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

- Identify a vision for the site that can be used to develop scenarios and guide future direction for the study area
- Identify different values, issues and opportunities for a range of stakeholders
- Prepare a Master Plan that can assist in guiding future decision-making as a strategic level framework which proposals in the study area can be assessed against.
- Recognise local and regional significance and use of the site by different user groups
- Aspire to be an exemplar model for foreshore recreation, conservation and management.

The following five theme areas were utilised throughout the engagement process and as a lens for gathering information about the site:

- Environment and Landscape (shade, environmental conservation, native planting, lighting and activation, nature play).
- Cultural Values (lack of cultural conservation, dog walking, youth facilities, community events, signage and cultural interpretation, small café).
- Access and Movement (pedestrian and cyclist conflict, parking, access to the water, eroded pathways).
- Sport and Recreation (amenity hubs, girls sports, enhance sporting facilities); and
- Management (involve the community, Aboriginal ranger program, partnership opportunities. Whadjuk Noongar Elder Reference Group).

The cultural context for the Attadale and Alfred Cove foreshore is a key factor in the protection and restoration of environmental values that can embed the Noongar cultural values relevant to this area. The area is a shared public space that is linked to other Noongar sites that are linked to the Derbarl Yerrigan (Swan River), home of the Waugal.

A copy of the [draft Attadale Alfred Cove Foreshore Master Plan](#) as advertised can be found on our Melville Talks page.

STAKEHOLDER ENGAGEMENT

The following stakeholders were identified early and have maintained active involvement in the consultation process, in no particular order of importance or preference:

- Adjacent residents and site recreational users (including dog walkers and cyclists)
- Tompkins Park Community and Recreation Association Inc. and associated sporting clubs
- Recreational water sport associations and user groups
- Troy Park Sporting Association and associated sporting clubs
- Melville Bowling Club
- Melville Community Arts Association Inc.
- Swan Estuary Reserves Action Group Inc.
- Friends of Attadale Foreshore Inc.
- Friends of Attadale Parks and Amenities
- Friends of Melville Bird Sanctuary
- Federal, State Politicians/MPs
- Government Departments/Agencies
 - Department of Sport and Recreation (DLGSCI)
 - Department of Biodiversity Conservation and Attractions (DBCA)
 - Department of Planning, Heritage and Lands (DPLH), including Aboriginal Affairs

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

- Department of Water and Environment Regulation (DWER)
- Heritage Council of WA
- Water Corporation
- Main Roads WA
- South West Aboriginal Land and Sea Council
- Whadjuk Working Group
- City of Melville staff and Elected Members

The preparation of the Master Plan involved a collaborative process between the City of Melville, State Government and key stakeholders including the local community. The engagement methodology used a process known as a 'Charrette', which incorporated an iterative and interactive four-day design forum.

An outline of the overall consultation process is provided below.

Project Begins	Initial Engagement	Preparation	Charrette	Refinement	Draft Master Plan
<ul style="list-style-type: none"> • Site visit • Council Presentation 	<ul style="list-style-type: none"> • Community Values Survey • 3x Workshops with Aboriginal Elder Reference Group • State Agency Meetings • Key Stakeholder Workshop 	<ul style="list-style-type: none"> • Logistics • RSVPs • Prepare content • Launch online Digital Charrette Noticeboard 	<ul style="list-style-type: none"> • 4-day collaborative event • Day 1 started in June prior to Lockdown • Day 2-4 continued in July 	<ul style="list-style-type: none"> • Further refinement and testing following feedback 	<ul style="list-style-type: none"> • Prepare draft Master Plan & Report • Present to Council for advertising • Public Comment Period • Council to consider feedback and draft Master Plan in early 2022
Dec 2020 – Feb 2021	March – May 2021	May - June 2021	June - July 2021	August – Oct 2021	Late 2021





II. COMMUNITY

The main community engagement activities were undertaken as a Charrette or Enquiry by Design process that was available to the public and held at Tompkins Park and the Civic Hall. The charrette was preceded by a number of information sessions and stakeholder engagement meetings based on key themes identified by the community.

These activities informed the development of the opportunities, concepts and improvement options; including funding options and proposed timeframes for implementation.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

An outline of the charrette program is provided below.

DAY 1 28 June	DAY 2 29 June	DAY 3 30 June	DAY 4 1 July	DAY 5 2 July
Official Charrette Opening: Smoking ceremony 8:30am – 9am Tompkins Park	Stakeholder sessions – Environment and landscape 9am – 10:30am Tompkins Park Southern	Team Design Studio 8am – 12pm Tompkins Park Southern	Team Design Studio Finalise preferred direction – design studio 8am – 12pm Tompkins Park Southern	Pack up design studio 9-10am
Key agency presentations 9am – 12pm Tompkins Park Southern	Stakeholder sessions – Cultural values 11am – 12:30pm Tompkins Park Southern	Agency Session 3–4pm Tompkins Park Southern		
Project team working time Prepare for Community Workshop 3-5:45pm	Stakeholder sessions – Access and Movement 1:30pm – 3pm Tompkins Park Southern	Council briefing 4:15pm – 5:30pm Tompkins Park Southern	Prepare for Final Community Workshop 1-5pm Tompkins Park Southern	Team De-Brief 10am – 12pm Tompkins Park Southern
Community Workshop 6pm – 8:30pm City of Melville Main Hall	Stakeholder sessions – Sports and Recreation 3:30pm – 5pm Tompkins Park Southern	Open Design Studio 6pm – 7:30pm Tompkins Park Southern	Final Community Workshop 6pm – 8:30pm City of Melville Main Hall	
De-brief and pack-up	De-brief, pack-up, outcomes reporting	Team Design Studio 8:30pm onwards Tompkins Park Southern	De-brief, pack-up, outcomes reporting	
Digital Charrette updates each day				
 Stakeholder group	 State Government agencies			
 Community	 Council			

The identification of opportunities, concepts and options associated with the foreshore study area included (but was not limited to) the following:

- Respecting and celebrating the Aboriginal heritage, history and environmental significance of the locality.
- Improving the quality of experiences, facilities and movement for the public.
- Integrating any facilities redevelopment or upgrades with the environmental features and the surrounding residential area in a cohesive and sustainable way.
- Optimising recreational and community spaces through redesign, consolidation, co-location or relocation.
- Improving access and parking, within the existing environmental and physical constraints.
- Maximising the sustainable use of existing facilities and buildings, particularly to the wider community.
- Enhancing the foreshore area, surrounding landscape and streetscapes through protection, replanting and revegetation.

Consideration was also given to existing information available from community engagement processes previously completed such as the Strategic Community Plan 2020 - 20302) that articulate community aspirations and priorities. The overall objective of the engagement was to work directly with the community throughout the process to ensure community concerns and aspirations were consistently identified, understood and considered.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

The consultation and engagement process included the following stages.

Stage 1 – Site Knowledge and Feedback on the Four Identified Theme Areas

This stage involved a range of activities to identify key themes and included:

- Four workshop sessions with the Whadjuk Noongar Elder Reference Group (three conducted prior to the Charrette process).
- A high-level community values survey was publicly released on the MelvilleTalks project page during March-April 2021 (open for 26 days) and we received over 650 responses.
- A Key Stakeholder Workshop conducted in May 2021, attended by 29 key stakeholders from community, sporting, and environmental groups relevant to the site.

Stage 2 – Design Charrette

The charrette was the main public consultation activity in the preparation of the Master Plan and was required to be split with Day 1 in late June 2021 and Days 2-4 in late July 2021 due to COVID restrictions.

Stage 3 – Elected Members Briefing Session

The Elected Members were invited to view the first draft concept plan and to provide feedback at an Elected Members Briefing Session held on 28 September 2021.

Stage 4 – Public Advertising for Comment

The public advertising, including public comment period took place 29 October to 5 December 2021.

The community were invited to complete a formal submission via the dedicated Melville Talks project page. In line with the Disability and Access Inclusion Plan, alternative methods of engagement, (in person and over the phone) were made available. An online survey was also created to guide respondents through the numerous aspects of the Master Plan.

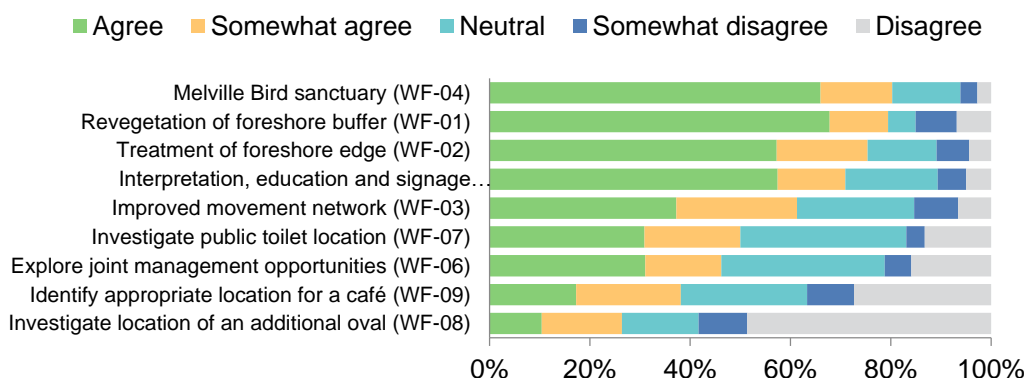
A summary of the engagement outcomes is provided below:

- 147 valid submissions received (33 invalid submission removed due to incompleteness and/or duplication)
- 75.87% support the overall draft master plan (23.13% support, 53.74% support with concerns,
- 9.02% do not wish to state support
- 17.01% do not support.
- 85.71% of submitters reside within the City of Melville
- 36.05% of respondents completed the values survey,
- 21.09% attended the Charrette event,
- 4.76% attended the virtual online charrette,
- 21.09% attended stakeholder meeting, and
- 46.26% have not previously been involved in this project.

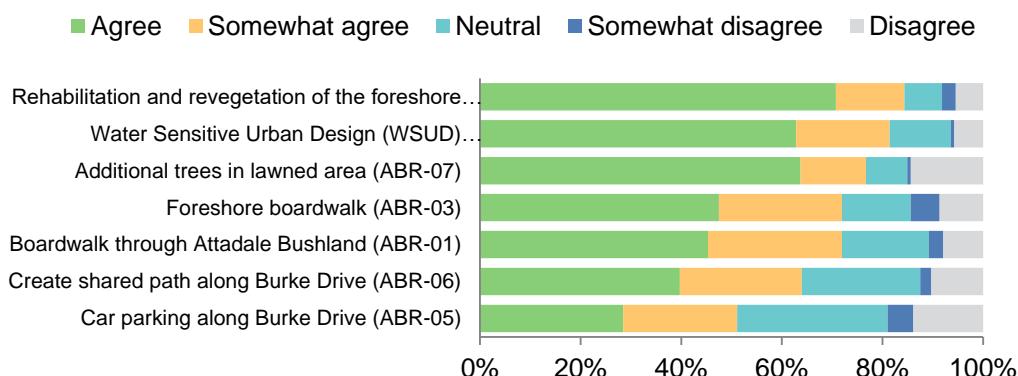
T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

A summary of the responses to the survey following the advertising of the draft Master Plan are presented below based on the whole of foreshore and six precincts.

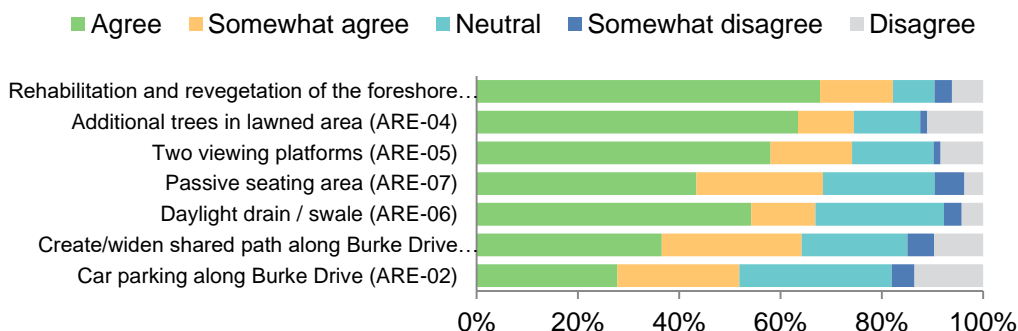
Whole of Foreshore Recommendations - Do you think this approach captures the vision and guiding principles of the Project Charter? (n=147)



Attadale Bushland & Reserve (West) Precinct - Do these design element capture the vision and guiding principles of the Project Charter? (n=146)

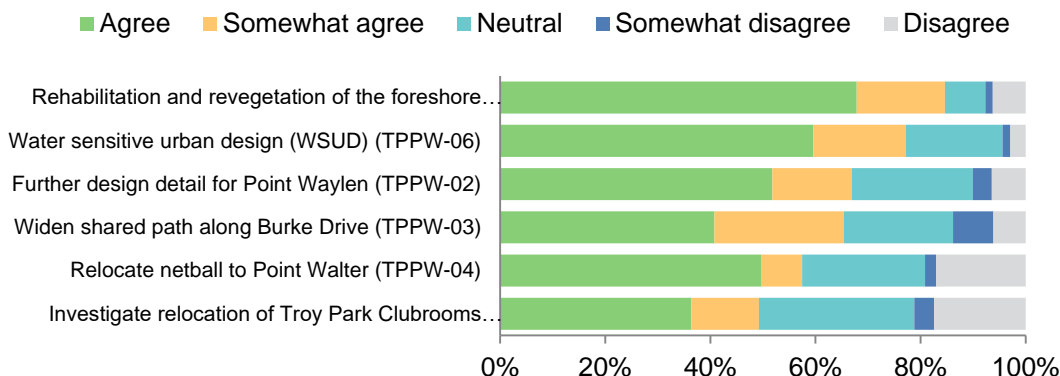


Attadale Reserve East Precinct - Do these design element capture the vision and guiding principles of the Project Charter? (n=146)

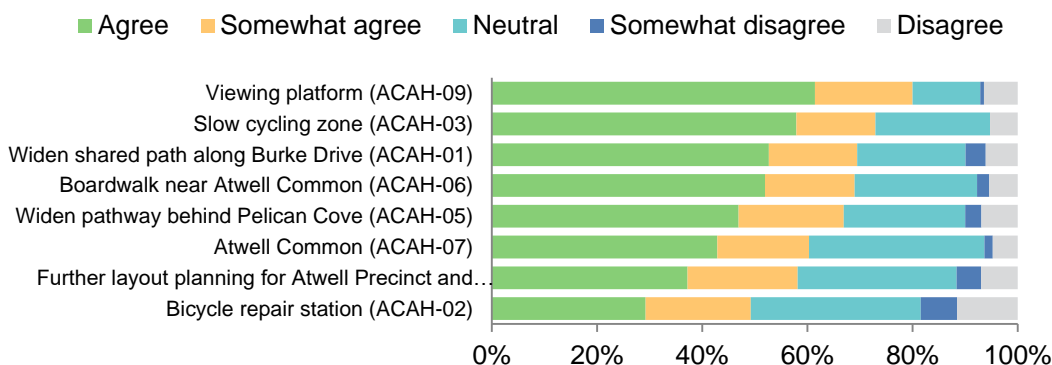


T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

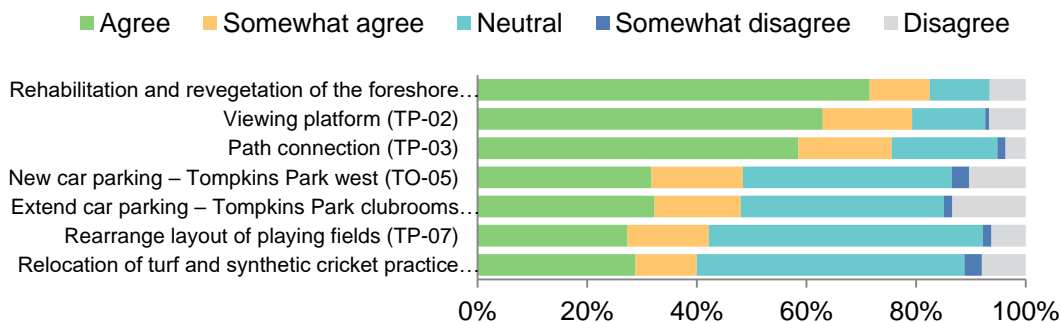
**Troy Park and Point Waylen Precinct-Based
Recommendations - Do these design element capture the
vision and guiding principles of the Project Charter? (n=143)**



**Alfred Cove and Atwell House Precinct-Based
Recommendations - Do these design element capture the
vision and guiding principles of the Project Charter? (n=140)**

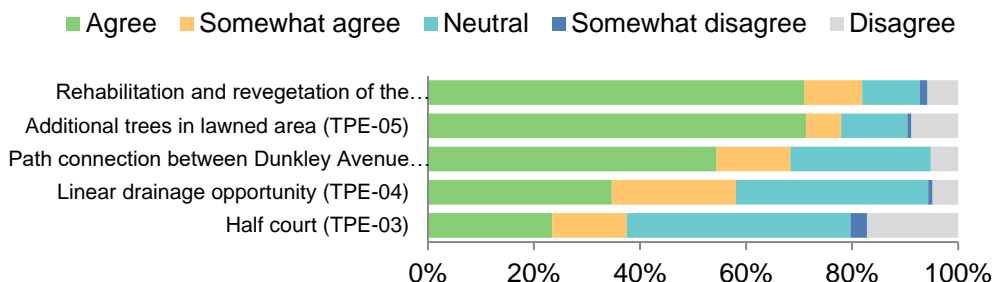


**Tompkins Park Precinct-Based Recommendations - Do these
design element capture the vision and guiding principles of
the Project Charter? (n=139)**



T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

**Tompkins Park East Precinct-Based Recommendations -
Do these design element capture the vision and guiding
principles of the Project Charter? (n=140)**



Overall some of the key misunderstandings or concerns raised in relation to the Master Plan were:

- Requests for management level information or design detail which was beyond scope of the Master Plan, but would be undertaken or taken into account during the planning and development phase of individual proposals.
- General fundamental view from some community members for there to be no change to the area.
- The perception of a loss of open space, which may have been due to foreshore revegetation proposals.
- The perception of an increase in active recreation and displacement of other users, which may have been triggered by the Attadale Foreshore ovals aspirational idea proposal that was subsequently removed.
- The tension between local users and regional/other users.
- Concern about involvement of stakeholders in the process.

Proposed Amendments to the Draft Master Plan

Proposed amendments to the draft Master Plan report are recommended by the consultants, following discussion with City officers, and listed below:

- Greater opportunities for the inclusion, participation, facilities and areas for youth – the initial consultation and aspirational ideas put forward in the early phases of stakeholder engagement identified a range of opportunities for youth, however these were not supported in subsequent consultation feedback and as a result were removed from the draft Master Plan. The proposed amendments for increased youth participation and co-design opportunities are consistent with the 2022-2025 Directions From Young People Youth Strategy, particularly in reference to the youth and wellbeing focus areas.
- Review of options associated with the shared path along Burke Drive and the Attadale foreshore – the draft Master Plan identified a shared path (cycling and pedestrians) along Burke Drive, between the current and future car park areas and the main dog exercise area. Feedback from consultation indicated a desire to retain connection with the Swan River as occurs with the existing shared path. It is proposed to include both options in the final Master Plan report, with further investigation and consultation to determine the most appropriate option.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

- Numerous minor changes to text and figures as identified in the community engagement outcomes report such as:
 - Discuss with the proposed Whadjuk Aboriginal Corporation and DBCA regarding joint management agreements and Aboriginal Ranger program opportunities
 - DBCA to review and update the Swan Estuary Marine Park Management Plan 1999-2009 to consider management of activities and uses in line with the recommended changes from the Master Plan

There were also a range of operational issues raised in submissions that will be retained and applied during the proposal planning, development and implementation phases.

[Summary Table of Key Issues and Enquiries Report](#) on the draft Master Plan forms an attachment as part of this agenda item.

II. OTHER AGENCIES / CONSULTANTS

State agencies consulted with and participated in stakeholder engagement activities during the preparation of the Master Plan included:

- Department of Biodiversity, Conservation and Attractions (DBCA)
- Department of Planning, Lands and Heritage (DPLH)
- Department of Water and Environmental Regulation (DWER)
- Main Roads WA, and
- Department of Local Government, Sport and Cultural Industries (DLGSC).

Preliminary discussions have been held with these agencies, who are generally supportive of the Master Plan, noting that approvals and/or permits may be required from these agencies for any proposals recommended in the Master Plan as part of the usual referral and approvals process.

The City will be liaising closely with DBCA, given that they are a key land manager and regulatory agency associated with the adoption and implementation of the Master Plan and its recommendations.

STATUTORY AND LEGAL IMPLICATIONS

Specific State legislation that applies to the site includes:

- Aboriginal Cultural Heritage Act 2021
- Swan and Canning Rivers Management Act 2006

The study area falls predominantly within the Swan Canning Development Control Area established by the *Swan and Canning Rivers Management Act 2006*. As such, approval for any works will be required. Depending on the location of the proposal and specific requirements of the relevant legislation, approval for development within the Masterplan area will be required either under the *Planning and Development Act 2005* or the *Swan and Canning Rivers Management Act 2006*. Any proposals recommended in the Master Plan will require referral to the relevant agencies for review and approvals during the early planning and detail design phase and prior to any implementation of works. It is recommended, prior to progression to detailed design, that the Council seeks formal co-endorsement of the Master Plan by the Department of Biodiversity, Conservation and Attractions.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The Master Plan covers a 20 year period and the total budget for the implementation of recommendations in plan is estimated at \$38M (excluding inflation) and can be summarised as follows:

- Short term (1-5 years) \$9,555,000 at an average of \$1.9M per annum
- Medium term (5-10 years) \$16,300,000 at an average of \$3.3M per annum
- Long term (10-20 years) \$12,375,000 at an average of \$1.3M per annum

Further detail on the cost estimates for short, medium and long term recommendations are shown in the tables below.

Table 1: Attadale Alfred Cove Foreshore Master Plan Cost Estimates – Short Term (0 to 5 Years)

Attadale-Alfred Cove Foreshore Masterplan Cost Estimates		
Item	Description	Total (\$)
1.00	Items (0-5 Years)	
1.01	Foreshore restoration/treatment along Attadale Bushland (Bioengineering only. Pathway costed by City of Melville)	\$ 800,000
1.02	Revegetation of Point Waylen/Troy Park	\$ 4,100,000
1.03	Investigate building a new facility/clubrooms at Troy Park (Costed City of Melville); allow for study only	\$ 70,000
1.04	Temporary drop-off/parking at Troy Park	\$ 100,000
1.05	Atwell Common; allow for initial study only part 2	\$ 150,000
1.06	Concept/detailed design of Point Waylen area; allow study only	\$ 50,000
1.07	WSUD and drainage treatment at Troy Park/Burke Drive	\$ 1,300,000
1.08	Slow bike zone - Near Atwell Precinct	\$ 35,000
1.09	Pelican Cove path widening	\$ 1,250,000
1.10	Boardwalk (Atwell House)	\$ 1,300,000
1.11	Overflow parking at Tompkins Park	\$ 300,000
1.12	Trees at Attadale Reserve	\$ 100,000
1.13	Pathway in Attadale bushland (Repair already budgeted)	Excluded
	TOTAL COST	\$ 9,555,000

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Table 2: Attadale Alfred Cove Foreshore Master Plan Cost Estimates – Medium Term (5 to 10 Years)

Attadale-Alfred Cove Foreshore Masterplan Cost Estimates		
Item	Description	Total (\$)
1.00	Items (5-10 Years)	
1.01	Revegetation and restoration of foreshore at Tompkins Park	\$ 7,100,000
1.02	Revegetation and restoration of foreshore at Troy Park North (Rainbow Bee Eater nesting area)	\$ 3,200,000
1.03	Passive seating area linked to above item	\$ 1,100,000
1.04	Relocate cricket nets	\$ 500,000
1.05	Establish new cricket oval	\$ 80,000
1.06	Investigation for location of future oval	\$ 50,000
1.07	WSUD in Attadale Reserve	Included in 10-20 Years
1.08	Burke Drive Parking (Attadale Reserve)	\$ 550,000
1.09	New Car Bays at Tompkins Park West	\$ 250,000
1.10	Boardwalk in Attadale Bushland	\$ 1,300,000
1.11	Public toilet (Attadale Reserve)	\$ 200,000
1.12	Half Court	\$ 60,000
1.13	New Troy Park building and Carpark	Excluded
1.14	Atwell Common; allow for detailed investigations Part 2	\$ 450,000
1.15	Additional trees to Tompkins Park	\$ 50,000
1.16	New path next to relocated turf cricket practice nets - Tompkins Park	\$ 400,000
1.17	New path connection near relocated cricket synthetic wicket (50m radius) - Tompkins Park	\$ 110,000
1.18	New viewing platform to Alfred Cove and Atwell House	\$ 400,000
1.19	New viewing platform to Tompkins Park East	\$ 400,000
1.20	Swale next to passive seating area	\$ 100,000
	TOTAL COST	\$ 16,300,000

Table 3: Attadale Alfred Cove Foreshore Master Plan Cost Estimates – Long Term (10 to 20 Years)

Attadale-Alfred Cove Foreshore Masterplan Cost Estimates		
Item	Description	Total (\$)
1.00	Items (10-20 Years)	
1.01	Revegetation and restoration of foreshore at Attadale Reserve	\$ 7,400,000
1.02	Formalise shared path along Burke Drive at Attadale Reserve	\$ 1,200,000
1.03	Widen shared path along Burke Drive along Alfred Cove	\$ 1,005,000
1.04	Linear drainage opportunity; Allow for study only	\$ 220,000
1.05	WSUD in Attadale Reserve; Allow for study only	\$ 250,000
1.06	Boardwalk to Attadale Bushland and Reserve West	\$ 1,600,000
1.07	Boardwalk to Attadale Bushland and Reserve East	\$ 700,000
	TOTAL COST	\$ 12,375,000

The most significant cost for the implementation of the Master Plan relates to the revegetation and restoration of the foreshore area (Attadale, Point Waylan and Tompkins Park), which collectively totals \$18.6M. This work would cover both City of Melville and DBCA managed lands, so a shared funding arrangement is required for this partnership project. A jointly funded, partnership arrangement would also be required for the viewing platform and Boardwalk proposals (Atwell House, Attadale Bushland) and path widening at Pelican Cove which collectively total an estimated \$5.65M.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

The endorsement of the Master Plan does not commit the Council or the State Government to implementing the recommendations contained in the plan as most proposals will require further planning, investigation, the development of business case and funding in order to progress.

All proposals will require budget allocations as adopted by Council annually and commitments of State funding or grants for partnership projects in order to proceed.

The City of Melville's 2021-2022 budget includes an allocation of \$220,000 towards capital projects identified in the Master Plan. Officers have reviewed the short term recommendations in the Master Plan (0-5 years) and are planning to progress the following high priority actions as the first step in implementing the Master Plan recommendations:

- Layout planning for Atwell Precinct and Melville Bowling Club (\$150,000 for consultancy services, of which only \$90,000 is expected to be expended in 2021-2022 - refer to item 1.05)
- Burke Drive parking improvements adjacent to Troy Park to address safety concerns (\$40,000, portion of 1.04)
- Design for Attadale Netball Association courts at Point Walter Reserve as part of a relocation from Troy Park (\$50,000, not included as specific cost estimate, but related to item 1.03)
- Repairs to pathway in the Attadale Bushland area (\$40,000, relates to item 1.13 which was not budgeted for separately as indicated above and is required to be covered by this allocation)

The City is currently seeking approval from DBCA to undertake repairs for the section of path washed away along the Attadale bushland last winter.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Master Plan establishes a long-term framework that is visible to ratepayers and enables Officers to continue working towards improvements to this site in a structured manner, rather than ad hoc decisions on a project by project basis.

There are a number of key recommendations of the Master Plan that require a partnership approach between the City and the State Government and joint funding arrangements, particularly the shared management of the A Class Reserve. The Master Plan recommends that a Maintenance Management Agreement or Memorandum of Understanding (MoU) between the City and the State Government (DBCA) be established to formalise areas of shared management responsibility and cross boundary management.

A significant risk management and environmental management consideration highlighted in the Master Plan relates to potential sea level risk and the protection of infrastructure subject to inundation. There are already examples of paths being washed away during winter storm events that are being addressed.

The City will continue to work with DBCA on these and other projects and intends to make contact with the Whadjuk Corporation (once established) regarding the implementation of the Master Plan.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Reputational damage due to not implementing any of the recommendations of the Master Plan.	Moderate consequences which are possible, resulting in a Medium level of risk	Progress the recommendations in the Master Plan based on approved funding and explore opportunities for partnership projects with DBCA
Reputational damage due to not conducting adequate community consultation.	Moderate consequences which are likely, resulting in a High level of risk	Continue to build on the extensive consultation activities already undertaken and ensure there is ongoing stakeholder engagement as proposals progress
Reputational damage due to not observing the City's own management strategies (including the Natural Areas Asset Management Plan, Urban Forest Strategy and the Climate Change Emergency Declaration)	Moderate consequences which are possible, resulting in a Medium level of risk	Protect existing vegetation as far as practicable. If any native vegetation clearing is required, minimize impact and adhere to any environmental conditions and requirements. Continue to engage with environmental stakeholders and encourage community involvement in restoration works to engender interest in protecting the natural values in the project area
Breach of statutory obligations; particularly in relation to the Environmental Protection Act, the Environmental Protection and Biodiversity Conservation Act, the Swan and Canning Rivers Management Act and the Aboriginal Cultural Heritage Act.	Major consequences which are unlikely, resulting in a Medium level of risk	Ensure adequate consultation and necessary permits are obtained from the relevant agencies prior to any project works being undertaken.

POLICY IMPLICATIONS

- Physical Activity Policy (CP-028) – To increase opportunities for physical activities and improve health and wellbeing of the community.
- Tree Policy CP-029 – Policy Statement - All trees are assets of the City that contribute to the well-being of the community and to the natural environment. The City recognises and values the significance of trees within the urban setting for the many social, economic and environmental benefits they provide. The City is committed to protecting, maintaining and increasing its tree population.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

- Environmental Policy CP-030 – Policy Statement - The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City of Melville's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.
- Sustainability Policy CP-057 – Policy Statement - The City will meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.
- Urban Forest and Green Space Policy (CP-102) – To protect, preserve and enhance aesthetic character and realise the benefits of trees and vegetation.
- Improving Public Spaces Policy (CP-103) – to improve liveability, quality, useability, amenity and safety of public spaces.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

1. Not endorse the Master Plan
The implementation of Master Plan recommendations will significantly improve the foreshore areas, however these improvements will have long term financial consequences for the City. Should Council resolve not to endorse the plan due to cost implications, the area will remain as it is with minimal improvement over time. There are reputational risks associated with not endorsing the plan, given the support in the community for many of the recommendations resulting from the outcomes of the community engagement activities.
2. To endorse components of the Master Plan only
This would involve Council selectively supporting some recommendations and rejecting others. This would be counter-productive to the strategic approach taken to create holistic plan addressing a range of issues relevant to the study area. There are reputational risks associated with this option similar to not endorsing the Master Plan as indicated above.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3976)****APPROVAL**

At 9:40pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. **Endorse the Attadale Alfred Cove Foreshore Master Plan as advertised and the recommended changes to the Plan identified in the [Summary Table of Key Issues and Enquiries Report](#).**
2. **Progress the whole of foreshore, precinct based and staging recommendations as the basis for implementing the Attadale Alfred Cove Foreshore Master Plan with funding for projects to be considered individually by Council as part of the annual budget process and Long Term Financial Plan.**
3. **Approve the engagement of a suitably qualified consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club (ACAH-08) as a Short Term Recommendation.**

At 9:43pm the mover and the seconder of the officer recommendation consented to a new point 4. being included as follows

- “4. Appoint a consultant to progress the establishment of the Melville Bird Sanctuary as a Short Term Recommendation.”

Amendment

1. **Endorse the Attadale Alfred Cove Foreshore Master Plan as advertised and the recommended changes to the Plan identified in the Summary Table of Key Issues and Enquiries Report.**
2. **Progress the whole of foreshore, precinct based and staging recommendations as the basis for implementing the Attadale Alfred Cove Foreshore Master Plan with funding for projects to be considered individually by Council as part of the annual budget process and Long Term Financial Plan.**
3. **Approve the engagement of a suitably qualified consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club (ACAH-08) as a Short Term**
4. **Appoint a consultant to progress the establishment of the Melville Bird Sanctuary as a Short Term Recommendation.**

At 9:43pm the mover and the seconder of the officer recommendation consented to the amendment of wording of the officer recommendation as follows:

- That in point 1 the word “Endorse” be replaced with “*Acknowledge*”, and
- That in point 2 the word “Progress” be replaced with the words “*Investigate the feasibility of progressing...*”

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Substantive Motion as Amended

COUNCIL RESOLUTION

At 9:40pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. **Acknowledge the Attadale Alfred Cove Foreshore Master Plan as advertised and the recommended changes to the Plan identified in the [Summary Table of Key Issues and Enquiries Report](#).**
2. **Investigate the feasibility of progressing the whole of foreshore, precinct based and staging recommendations as the basis for implementing the Attadale Alfred Cove Foreshore Master Plan with funding for projects to be considered individually by Council as part of the annual budget process and Long Term Financial Plan.**
3. **Approve the engagement of a suitably qualified consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club (ACAH-08) as a Short Term Recommendation.**
4. **Appoint a consultant to progress the establishment of the Melville Bird Sanctuary as a Short Term Recommendation.**

At 9:59pm the Mayor declared the motion

CARRIED (12/1)

Yes	12	Cr Ross, Cr Fitzgerald, Cr Barber, Cr Edinger, Cr Mair, Cr Sandford, Cr Robins, Mayor Gear, Cr Pazolli, Cr Spanbroek, Cr Wheatland, Cr Macphail
No	1	Cr Woodall

At 10:00pm, The Mayor Brought Forward Item Late Item C22/5900 – Recruitment of the Director Community Development.

LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)

Ward	:	All
Category	:	Administration
Subject Index	:	Recruitment
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	:	Nil.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Llewellyn Rogers Manager Organisational Development

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>

**LATE ITEM C22/5900 - RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The recruitment and selection process for the Director Community Development has been completed.
- The Council is to consider the Confidential Recruitment Report and to accept or reject the Chief Executive Officer's recommendation for the role of Director Community Development.
- If the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so however, the decision in relation to the appointment still remains with the CEO.

BACKGROUND

The resignation of the Director Community Development was received in November 2021 to be effective from 1 April 2022.

A **Confidential Recruitment and Selection Report** was distributed to Elected Members, under confidential cover on Friday 4 March 2022 prior to the Council Meeting of 15 March 2022.

DETAIL

Gerard Daniels recruitment firm on behalf of the City of Melville advertised for an experienced Community Development leader to join the City in the pursuit of excellence, through open, inclusive and genuine collaboration with its elected representatives, First Nations peoples, staff and the community.

"Leading a diverse and innovative directorate, you will bring your experience managing high performing and dynamic teams to achieve excellent community, organisational and professional outcomes.

Engaging with community groups and organizations, and the wider community, often with complex issues, you will bring a strategic focus to delivering quality customer centric services and the best possible outcomes for the community.

Reporting to the CEO, the Director Community Development is responsible for delivering across four vital areas; Neighbourhood Development including Customer Service, Cultural Services, Neighbourhood Amenity and Healthy Melville."

The role of Director Community Development was advertised on Seek 22 December 2021 with applications closing 22 January 2022 (extended open time due to Christmas break).

The total compensation package (being inclusive of 10% super) for the position advertised was:

5 year fixed term contract

Base: \$212 799 + 10% = \$234,078

Max: \$241,075 + 10% = \$265,182

**LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)**

The recruitment process has been coordinated by the City's People Services Team. The first part of the recruitment process (advertising and shortlisting) was undertaken by the external recruitment firm Gerard Daniels. Thirty applications were received and 11 applicants were recommended as suitable to interview by Gerard Daniels.

The recruitment panel at the City of Melville, further shortlisted the top four applicants to proceed to interview.

The interviews took place on Friday 18th February 2022. The interview panel consisted of three City of Melville employees: Chief Executive Officer, Director Community Development, Senior Human Resources Business Partner and an independent recruitment consultant from Gerard Daniels. The interview process was followed by completion of due diligence checks of the preferred applicant by the Senior Human Resources Business Partner.

The Recruitment Panel discussed each interviewed applicant, rated their response to each interview question, and assessed whether or not they met the applicable selection criteria.

The Panel's selection report is a confidential attachment and provides details on the recommended applicant.

As the position is a designated Senior Officer position, the *Local Government Act 1995* requires that *"the CEO is to inform the council for each proposal to employ a senior employee and that the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so."*

The recruitment report will remain confidential and a public announcement of the appointment will occur following finalisation of the contract.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40);
- *Equal Opportunity Act 1984*;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Operational Policy OP-003).
- Council Policy CP-026 – Employee Appointments

**LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)**

Reference is made to the City's Compliance Audit Return for 2021 and the non-compliance with the Local Government Employees section. The report identifies that the advertisement conducted by the consultant for the position was not conducted in accordance with the Local Government Act and Administration Regulation 18A. The position was advertised on seek and not advertised in other mediums i.e. notice boards and social media.

Whilst the City acknowledges this, it is important to note that the recruitment was conducted by a leading recruitment agency, attracted a high calibre field and that the recommended applicant is a very experienced and capable executive.

The role of Director Community Development is deemed under our Organisational Policy to be a Senior Employee as required by the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that

"The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so."

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the maximum total compensation package detailed above.

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant	Medium level of risk	Broad advertisement of vacancy. Compliance with standard organisational recruitment processes.

POLICY IMPLICATIONS

Council Policy CP-026 – Employee Appointments, designates the positions that are classified as "Senior Employees"

**LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)**

In relation to the appointment of 'Employees', the Chief Executive Officer has authority to employ such persons as are necessary to enable the functions of the Local Government to be performed from time to time. This authority is provided in accordance with Section 5.36(1)(b) of the Act and is subject to 5.37(3) of the Act.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

To finalise the recruitment process the Council must formally accept the Chief Executive Officer's recommendation for the role of Director Community Development. It is again noted that the Council can reject the Chief Executive Officer's recommendation, provided reasons for rejection are detailed.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5674)**APPROVAL**

At 10:00pm Cr Barber moved, Seconded Cr Fitzgerald –

That

- 1 The Council accept the recommendation for the preferred Applicant as contained in Confidential Attachment A for appointment to the position of Director Community Development, in accordance with contract conditions agreed to by the Chief Executive Officer.**
- 2 The Confidential Recruitment and Selection Report to remain confidential and the successful applicant be announced to the public when contract documents are finalised.**

At 10:00pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)

Ward	:	Bateman - Kardinya
Category	:	Operational
Subject Index	:	Park Upgrades
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	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Capital
Responsible Officer	:	Jeff Bird Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)**KEY ISSUES / SUMMARY**

- In October 2021, a request from a resident requesting upgrades to George Welby Park was received by the City, assessed by officers and declined as a low priority compared to other upgrades on the City's parks capital program
- In November 2021, local residents collected 50 signatures which were forwarded to the City as a petition, however the format of the correspondence was assessed by officers as a Multi Signatory Letter
- A Notice of Motion considered by Council at the 15 December 2021 Ordinary Meeting of Council resolved that a report be prepared for the March 2022 Ordinary Meeting of Council considering the request for additional parks infrastructure
- George Welby Park is a local park in the suburb of Bateman consisting of turf areas, trees and bushland with some minor parks infrastructure including a playground
- Officer recommendation is to decline the request for additional infrastructure as George Welby Park is a local park and the infrastructure requested is well in excess for a park of this size according to the City's park's hierarchy

BACKGROUND

In October 2021, a request was forwarded to the City seeking upgrades at George Welby Park for a gazebo, shade sails and toilet block and for the City to pressure Main Roads to install a noise wall. A response was provided which declined the request based on incompatibility with the parks hierarchy approach to managing parks within the City. The request also sought for the City to approach Main Roads regarding the installation of a noise wall to minimise freeway vehicle noise along the eastern boundary of the reserve.

The City was aware of the issues concerning the noise levels adjacent to George Welby Park and officers had reported to Main Roads to advocate for noise mitigation measures, however no action was taken, noting that the City has limited influence for issues not considered a priority by Main Roads and largely outside the City's control.

In November 2021, local residents collected 50 signatures for what they intended to be a petition for consideration by Council. Unfortunately, the signatures gathered were not recorded in the required petition format and, as a result, was only able to be treated as multi-signature letter. The letter asked for upgrades to George Welby Park, including (but not limited to);

- shade sails over the playground
- a gazebo
- barbecues
- toilets and;
- a noise wall and lighting along the path on the eastern side of the park.

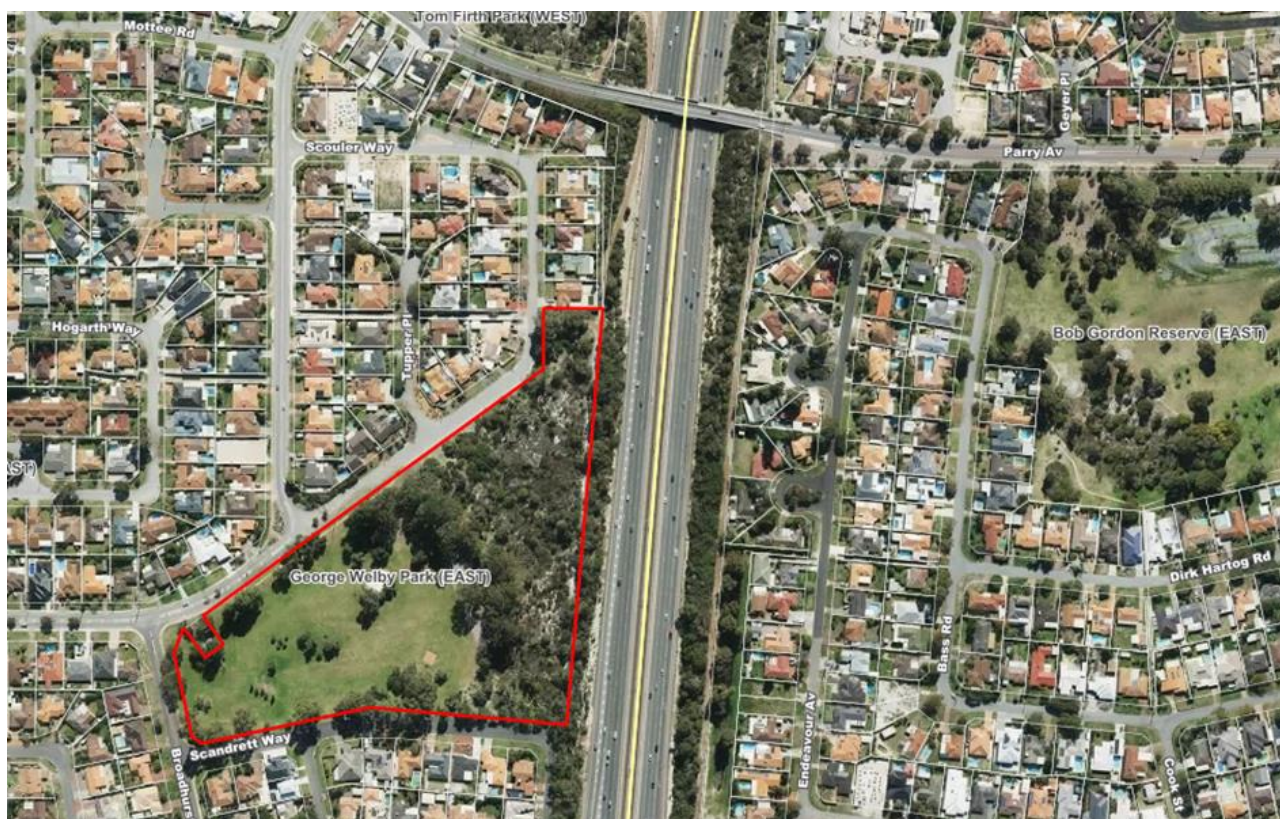
As a result of a Notice of Motion considering at the 14 December 2021 Ordinary Meeting of Council, the following was resolved.

"That the Council directs the CEO to prepare a report, to be presented to the March 2022 Ordinary Meeting of Council, on the improvement actions requested at George Welby Park, Bateman, as outlined in a multi signature letter signed by 50 residents that was received on 15 November 2021."

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)**DETAIL**

George Welby Park is located in the suburb of Bateman, is 4.9 hectares in size (including the bushland area) and backs onto the western alignment of the Kwinana Freeway roughly half way between Leach Highway and South Street. The primary function of the park is to provide space for informal play, physical activity, relaxation and social interaction. There is a section of bushland which forms 2.0 hectares of the entire area and is rated moderately in terms of its overall value as a bushland area.

Running parallel with the freeway between the bushland and the freeway is a principle shared path used for cycling and pedestrian movement. This path is the responsibility of Main Roads WA.

Map of George Welby Park and BushlandMulti Signatory Letter

The multi signatory letter outlined that the Bateman community historically have been requesting that a number of improvements be installed at George Welby Park, in particular a gazebo and shade sails. These requests were declined by the City most recently in October 2021 as they were inconsistent with the City's parks hierarchy approach to park infrastructure investment based on park category and function.

The letter states that the park is used by dog walkers, kids in the park, basketballers, gatherings every morning and afternoon. The letter also claimed the RSPCA holds dog training every Sunday morning and on warm days the group have to gather under trees and put umbrellas up as there is no formal shelter. The City's records indicate that the RSPCA hold regular meetings on Sunday mornings from 9.00am – 12.00pm.

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)

It is relevant to note that if formal shade was to be installed, the City would generally place this over the playground and not in areas used for organised activities by other parties.

The letter made specific mention to parks like John Creaney, Harry Bailey, Hill Park and Central Park which all have gazebos and that one should be provided at George Welby Park.

Another concern raised in the letter is the lack of toilets and as there are gatherings of locals, including dog walkers almost every late afternoon near the BBQ, and have a few drinks the bushland is being used as a "toilet area". The City's CSS Team have run a report which indicates there have been no complaints registered for people using the bushland as a toilet.

In regards to the lack of noise wall adjacent to the freeway, the letter claims the path running parallel to the freeway is unsafe and as a result of freeway noise pedestrians can't hear cyclists coming. Additional reference is made to the path being unlit and not cleaned. The principal shared path is the responsibility of Main Roads WA, including lighting, and this request would need to be directed to Main Roads.

In terms of the freeway sound issues, these have been reported to Main Roads by the City as a result of previous concerns raised by residents, however there has been no action to date. The City has limited influence on lighting and other infrastructure established by Main Roads and this issue would be more effectively taken up with the local Member of Parliament Kim Giddens, Member for Bateman

Current Park Infrastructure

As discussed at the Elected Member Engagement Session (EMES) on 1 February 2022, George Welby Park is classified as a "local" park within the City's parks hierarchy. The hierarchy is used as guide in investing and managing infrastructure assets within parks.

Current assets in George Welby Park include;

- Irrigated turf
- Planted trees
- Single plate barbeque with light
- Seating (6)
- Stormwater discharge infrastructure
- Street parking
- Basketball half court with light

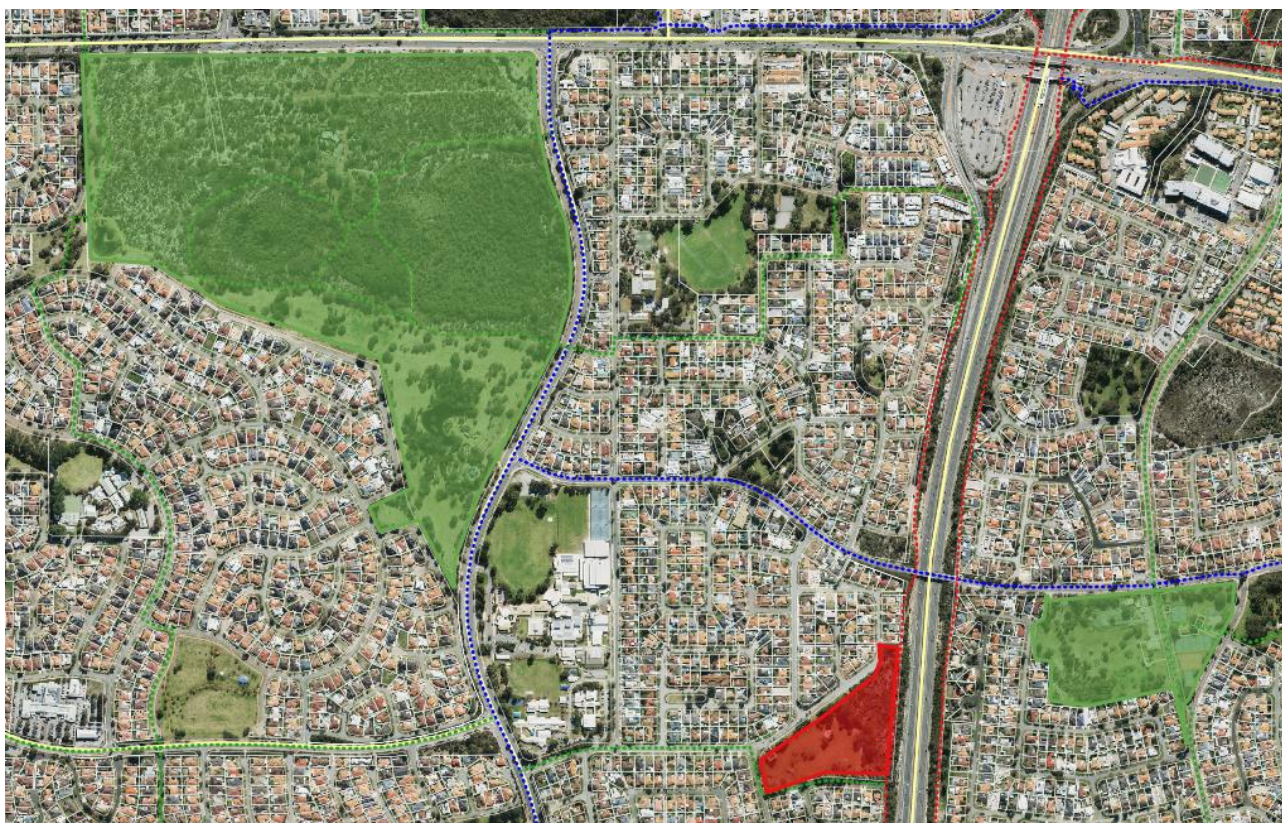
In general, local parks have fewer infrastructure assets that reflect their level of use and role in the context of public open space in the local neighbourhood and wider area. The City aims to provide items such as shade sails, gazebos and toilets at the larger neighbourhood parks or district parks where greater numbers of patrons attend and there is a high level of usage.

In addition to consideration on an individual park level, the City considers the context of the park in relation to other nearby parks and where these parks are positioned in relation to the parks hierarchy as:

- Local parks
- Neighbourhood parks
- District parks

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)

In the below picture highlighted in green, is Piney Lakes Reserve (Winthrop) to the west and Bob Gordon Reserve (Bull Creek) to the east. Piney Lakes is a district park with an extensive range of facilities and recreational opportunities. Bob Gordon Reserve is currently undergoing a \$4M upgrade as part of the South East Premier Play Space project, which would upgrade this from a neighbourhood park to a district park. Both of these parks are in close proximity to George Welby Park (Piney Lakes – 850m, Bob Gordon 500m), highlighted in red, and provide many items requested in the multi signature letter and more. From this perspective, the City would be over capitalising on a local park by providing the facilities requested for George Welby Park when there are these facilities provided nearby at other parks.



The City invests in parks infrastructure across over 200 parks as part of its annual capital works program using the parks hierarchy as a guide. If the City installed the items requested for George Welby Park in all of our 120 local parks so every park has as this range of equipment; it would be prohibitively expensive and create an unsustainable financial liability to renew, upgrade and maintain these assets over time. For this reason, the City developed the parks hierarchy to ensure that investment in, and management of, parks infrastructure was based on sound asset management principles and in accordance with sustainable community use at a suburban scale, not necessarily at an individual park scale.

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external public consultation has been carried out. Not applicable.

II. OTHER AGENCIES / CONSULTANTS

No other agencies or consultants were required for the preparation of this report.

III. STATUTORY AND LEGAL IMPLICATIONS

No legal or statutory advice has been sought on this item.

FINANCIAL IMPLICATIONS

Consideration has been given to the costs involved in purchasing and installing the items requested in the multi signatory letter for George Welby Park.

- A gazebo near the BBQ area, complete with lighting and a water tap - \$20,000
- Shade over the playground - \$27,000
- Toilet the same as the one at Piney Lakes - \$225,000

Total \$272,000. As an example, if the City was to spend \$100,000 on all of our local parks with similar infrastructure; it would cost around \$12 million and require significant financial investment for ongoing maintenance and to manage these assets over the long term.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of not meeting community expectation by investing in the requested upgrades at George Welby Park.	Minor consequences which are possible, resulting in a Medium level of risk	Implement Parks Hierarchy Plan to ensure equitable distribution of park infrastructure and facilities across the City.

POLICY IMPLICATIONS

There are no Policy implications in relation to this item.

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**Alternative Option 1

Council may decide to implement the changes outlined in the multi signatory letter to upgrade the park with all of the requested components at an estimated cost of \$272,000.

Alternative Option 2

Install select components as was requested.

- A gazebo near the BBQ area, complete with lighting and a water tap - \$20,000
- Shade over the playground - \$27,000
- Toilet the same as the one at Piney Lakes - \$225,000

Alternative Option 3

Install a toilet with reduced specifications is estimated to be at \$100,000.

CONCLUSION

George Welby Park is classified as a “local park” within the City’s parks hierarchy. The parks hierarchy is used by the City as guide in managing infrastructure assets within parks, including investments in new infrastructure. The City uses the criteria in the hierarchy to assess and determine parks where investment is required based on need, level of use, condition of current assets and a range of other factors. In assessing George Welby Park, it is apparent that the level of investment requested in the multi-signature letter does not meet the criteria.

The City is progressively working through upgrades to parks that have been assessed as needing investment in the short term. In general local parks have fewer infrastructure assets, and the City aims to provide items such as shade sails, gazebos and toilets at our larger neighbourhood parks or district parks where greater numbers of patrons attend and there is a high level of community usage. Both Piney Lakes Reserve and Bob Gordon Reserve are in close proximity to George Welby Park and provide the items requested in the letter.

The City is not in a position to install such items requested in the multi-signature letter to all of our 120 local parks, particularly as these new assets will require ongoing maintenance and replacement over time. The City invests in parks infrastructure as part of its annual capital works program using the parks hierarchy to assist in the decision making process. The City did recently upgrade the irrigation system at George Welby Park to improve turf quality and support the existing shade trees surrounding the playground.

In terms of the noise wall, the City is aware of the issues concerning the noise levels adjacent to George Welby Park. This has in the past been reported to Main Roads and the City will continue to advocate for the department to address the issues, noting that the City has limited influence on investment decisions by Main Roads and local lobbying by the community through their local Member of Parliament may be a more effective way of gaining traction on a solution.

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)**OFFICER RECOMMENDATION (3961)****APPROVAL**

That the Council:

- 1. Declines the request on the improvement actions requested at George Welby Park, Bateman as outlined in a multi signature letter signed by 50 residents received on 15 November 2021.**
- 2. Considers future upgrades in parks infrastructure at George Welby Park using the parks hierarchy as a guide.**
- 3. Requests that the Chief Executive Officer advises the lead petitioner of this decision in writing.**

Alternate Motion

At 10:02pm Cr Robins moved, seconded Cr Macphail –

That the Council:

- 1. Acknowledges the multi signature letter signed by 50 residents received on 15 November 2021**
- 2. Supports the installation of a shade sail over the playground and a gazebo near the BBQ area, complete with lighting and a water tap at George Welby Park, Bateman, and agrees to fund these items**
- 3. Continues to lobby Main Roads WA and State Member for Bateman, Ms Kim Giddens MLA, to install a noise wall to minimise freeway vehicle noise along the eastern boundary of the reserve, and encourages local residents to do the same.**
- 4. Requests the Chief Executive Officer to prepare information on the cost of installing shade sails in all City parks that do not have adequate shade over playgrounds provided by trees, and the impact this would have on the Long Term Financial Plan if supported, to be presented to Council at a future Elected Members Engagement Session**
- 5. Requests that the Chief Executive Officer advises the lead petitioner of this decision in writing.**

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)

Amendment

At 10:10pm Cr Edinger moved, seconded Cr Ross –

That Point 2 be amended to read:

“Directs the CEO to prepare a report on the costs to install a shade sail over the playground and a gazebo near the BBQ area, complete with lighting and a water tap at George Welby Park, Bateman.”

At 10:11pm the Mayor declared the motion

LOST (4/9)

Yes	4	Cr Edinger, Cr Ross, Cr Sandford, Cr Barber
No	9	Cr Woodall, Cr Pazolli, Cr Spanbroek, Cr Wheatland, Cr Macphail, Cr Robins, Cr Fitzgerald, Cr Mair, Mayor Gear

At 10:12pm, the mover and the seconder consented:

- to the removal of Point 4 of the Alternate Motion being *“Requests the Chief Executive Officer to prepare information on the cost of installing shade sails in all City parks that do not have adequate shade over playgrounds provided by trees, and the impact this would have on the Long Term Financial Plan if supported, to be presented to Council at a future Elected Members Engagement Session”*, and
- Point 5 be renumbered to point 4.

Alternate Motion

COUNCIL RESOLUTION

At 10:02pm Cr Robins moved, seconded Cr Macphail –

That the Council:

- 1. Acknowledges the multi signature letter signed by 50 residents received on 15 November 2021**
- 2. Supports the installation of a shade sail over the playground and a gazebo near the BBQ area, complete with lighting and a water tap at George Welby Park, Bateman, and agrees to fund these items**
- 3. Continues to lobby Main Roads WA and State Member for Bateman, Ms Kim Giddens MLA, to install a noise wall to minimise freeway vehicle noise along the eastern boundary of the reserve, and encourages local residents to do the same.**
- 4. Requests that the Chief Executive Officer advises the lead petitioner of this decision in writing.**

At 10:13pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

T22/3961 - GEORGE WELBY PARK UPGRADES (REC)**Reasons for the Alternate Motion as provided by Cr Robins**

Residents have requested additional infrastructure for the playground including a shade sail over the playground, a gazebo and toilets. It is recommended that the shade sail and gazebo are funded. It is considered that the cost of installing a toilet is prohibitive, and the need for one is not justified.

Officers have explained that the parks hierarchy may be undermined if the installation of additional infrastructure at George Welby Park is approved. As a council, we must be flexible and consider requests of residents as and when they arise. Whilst it is acknowledged the parks hierarchy assists in decision-making about the provision of infrastructure at our parks, it is also suggested that a "one size fits all" approach is not always appropriate. As noted by officers, the level of usage of parks is not taken into account in determining the parks hierarchy. As George Welby is extremely popular and well-used by locals, it is deemed these upgrades are appropriate and should be approved.

**T22/3962 - DYONDALUP POINT WALTER MOUNTAIN BIKE FACILITY (REC)
(ATTACHMENT)**

Item Brought Forward.
See Page 100.

Disclosure of Interest

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

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

Item Deferred.
See page 179.

T22/3976 - ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC) (ATTACHMENT)

Item Brought Forward.
See Page 116.

CD22/8142 – REVIEW OF DOG EXERCISE AREAS (REC) (ATTACHMENT)

Item Brought Forward.
See Page 65.

**CD22/8146 – 2022 – 2026 CAT MANAGEMENT PLAN FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

Item Brought Forward.
See Page 18.

**M22/5895 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
2 FEBRUARY 2022 (REC)**

Item Brought Forward
See Page 33.

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 13 January 2022 up to and including 16 February 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
CS2190	City of Melville and Department of Planning	Execution of on Easement in Gross over Crown Land for the purpose of drainage between Fiona Wood Road, Murdoch and Kwinana Freeway	6736296
CS2191	City of Melville City of Fremantle Town of East Fremantle	Variation Deed Establishment Agreement of the Southern Metropolitan Regional Council	6771508
CS2192	City of Melville and Rahul Deshmukh and Sarika Rahul Deshmukh	Temporary Withdrawal of Caveat to allow a replacement Caveat to be lodged over lot 1 (25A) Fletcher Street, Applecross	6759476
CS2193	City of Melville and Allmac Investments Pty Ltd (Trading as Bad Apples Bar)	Deed of Indemnification: Lot 538 (Unit 7,16) Riseley Street, Ardross: Bad Apples Bar Pty Ltd - DA2021/341	6718195

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 13 January 2022 up to and including 16 February 2022.

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 13 January 2022 up to and including 16 February 2022.

At pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

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

Item Deferred.
See Page 179.

C22/6000 - INVESTMENT STATEMENTS FOR JANUARY 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 31 January 2022 for the Council's information and noting.

C22/6000 - INVESTMENT STATEMENTS FOR 31 JANUARY 2022 (REC)

BACKGROUND

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

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

DETAIL

The following statement details the investments held by the City as at 31 January 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JANUARY 2022		
SUMMARY BY FUND		
Municipal		\$50,800,838
Reserve		\$151,654,566
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$202,679,462
SUMMARY BY INVESTMENT TYPE		
11AM		\$13,556,938
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$164,522,523
TOTAL		\$202,679,462
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$140,678,746
A Category (A+ to A-)	A+	\$11,500,716
	A	
	A-	
BBB+ Category	BBB+	\$50,500,000
TOTAL		\$202,679,462

C22/6000 - INVESTMENT STATEMENTS FOR 31 JANUARY 2022 (REC)

Exposure to an individual institution is limited according to Council policy and in January 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	\$ 16,000,000	7.89%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,500,000	12.58%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000	12.33%	15.00%	✓
CBA	AA-	AA Category	\$ 40,000,000	19.74%	30.00%	✓
Macquarie	A+	A Category	\$ 3,000,716	1.48%	25.00%	✓
NAB	AA-	AA Category	\$ 49,037,186	24.19%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.19%	25.00%	✓
Westpac	AA-	AA Category	\$ 35,641,560	17.59%	30.00%	✓
TOTAL			\$ 202,679,462	100%		

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

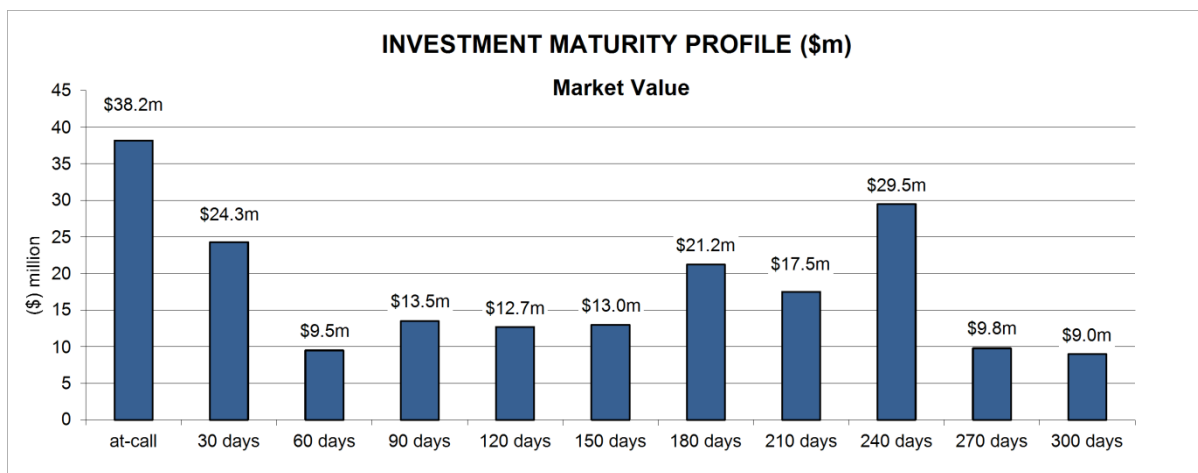
The City's investments were invested within the limits allowed within each category rating for January 2022.

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-)	\$ 140,678,746	69%	80%	✓
A Category (A+ to A-)	\$ 11,500,716	6%	50%	✓
BBB+ Category	\$ 50,500,000	25%	25%	✓
TOTAL	\$ 202,679,462	100%		

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

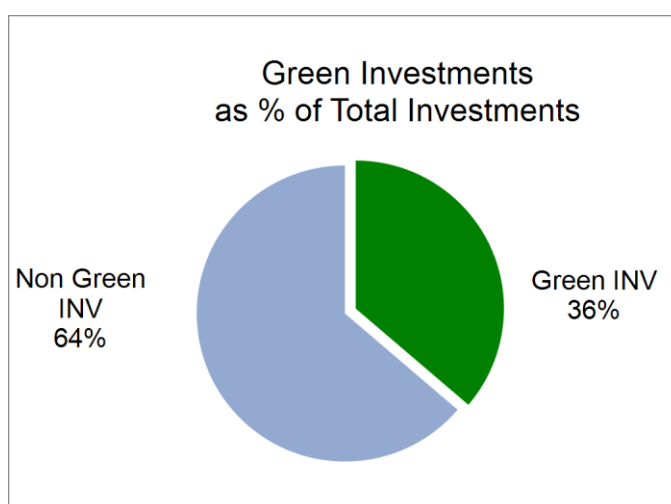
C22/6000 - INVESTMENT STATEMENTS FOR 31 JANUARY 2022 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 31 January 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 31 January 2022 was \$73,500,000 or 36% of total investment holdings being in non-fossil fuels institutions, compared to \$82,500,000 (40%) in December 2021. The total investments holding for January and December were \$202,679,462 and \$207,278,939 respectively.



C22/6000 - INVESTMENT STATEMENTS FOR 31 JANUARY 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	\$ 40,000,000
Suncorp	A+	A Category	\$ 8,500,000
TOTAL			\$ 73,500,000

Green investments are invested in three banks listed above, in accordance with the council credit rating policy. Green Term Deposits with CBA are currently limited to one month as the pool of funds with them has reached full capacity. However, CBA offers the new Environmental, Social & Governance Term Deposit (ESGTD) instead of maturing Green investments.

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 31 JANUARY 2022 (REC)

FINANCIAL IMPLICATIONS

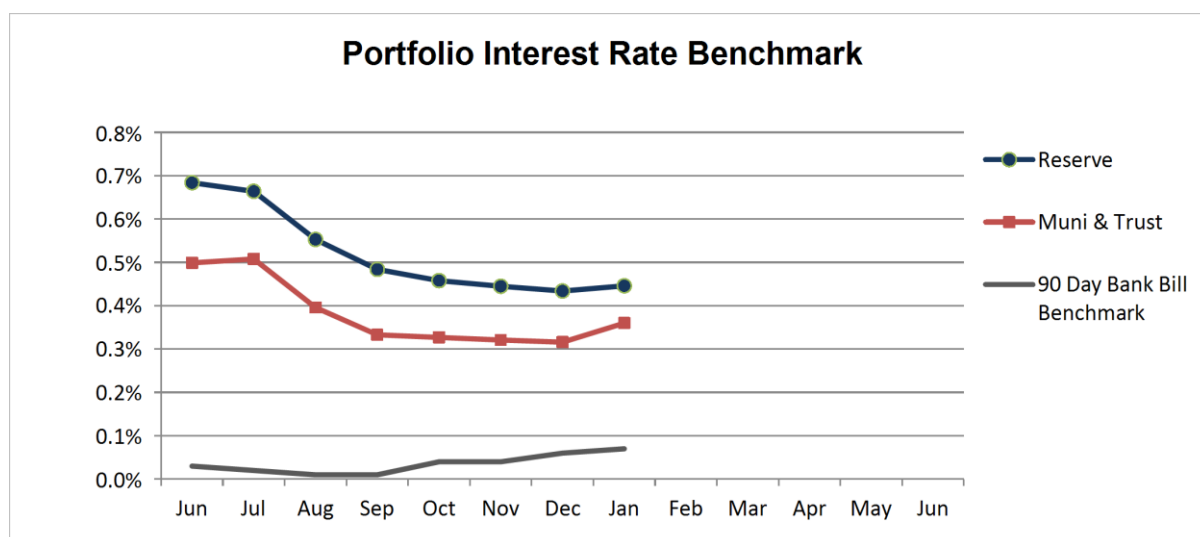
For the period ending 31 January 2022:

- Investment earnings on Municipal and Trust Funds were \$67,183 against a year to date budget of \$151,500 representing a negative variance of \$84,317.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 January 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 \$424,994 against a year to date budget of \$700,000 representing a negative variance of \$275,006.

The weighted average interest rate for Reserve account investments as at 31 January 2022 was 0.45% 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 31 JANUARY 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 0.45% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.07%.

36% 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 40% in December 2021.

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 31 January 2022.

At 10:15pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 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 January 2022 and recommends that the Schedule of Accounts Paid be noted.

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 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 January including Payment Register numbers, Cheques: 811-812, Electronic Funds Transfers batches: 745-749, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 25 February 2022.

A total of \$7,114,598 direct creditor payments were paid during the month, of which, 20% of payments (excluding \$1,000,474 of payment of ESL payment to DFES) were paid to suppliers located within the City of Melville and 32% to suppliers within the South West Group, compared to 22% and 33% of total of \$7,548,709 direct creditor payments made over December 2021 respectively. The biggest payment of \$1,000,474 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 JANUARY 2022 <i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 809 and 810	\$1,604.60
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 746,747, and 749	\$6,949,756.08
	EFT Payment on Restricted Funds Register No. 115,116, 745 and 748	\$167,254.00
	Less Cancelled EFTs	(\$4,016.95)
		\$7,114,597.73
<i>Direct Debits</i>	Bank Fees	\$25,540.25
	Ampol Fuel	\$90,008.68
<i>Direct Payments</i>		\$1,653,633.69
	Total Direct Creditor Payments	\$8,883,780.35
<i>Payroll</i>	Total Pay 14 and 15	\$3,808,647.05
	Total Payroll	\$3,808,647.05
<i>Cards</i>	Westpac Corporate Cards	\$7,337.04
	Westpac Purchase Cards	\$47,153.74
	American Express	\$5,125.18
	Total Card Payments	\$59,615.96
Total Direct Creditor Payments from Municipal Account		\$12,752,043.36

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 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			(\$5,652,476.27)
Reserve			\$5,652,476.27
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Suncorp Bank	5/01/2022		\$2,500,000.00
Westpac Bank	7/01/2022		\$1,500,000.00
ANZ Bank	7/01/2022		\$3,000,000.00
ANZ Bank	11/01/2022		\$2,000,000.00
Westpac Bank	13/01/2022		\$1,500,000.00
ANZ Bank	13/01/2022		\$2,000,000.00
NAB Bank	24/01/2022		\$1,000,000.00
Westpac Bank	25/01/2022		\$500,000.00
ANZ Bank	25/01/2022		\$2,000,000.00
<i>Total New Investments</i>			\$16,000,000.00
Grand Total			\$28,752,043.36

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 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 \$28,752,043.36.

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 January 2022 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details January 2022](#).

At 10:15pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2022 (REC)
(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

This report presents:

- The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 January 2022 and recommends that they be noted by the Council.
- The variances for the month of 31 January 2022 and recommends that they be noted by the Council.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2022 (REC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 31 January 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 January were \$202.6m of which the Municipal cash balance at the end of the month was \$50.8m and \$151.6m 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 31 January 2022 was \$73.5m or 36% of total investment holdings, compared to \$82.5m (40%) in December 2021.
- Rates raised as at January 2022 were \$92.0m with a positive variance of \$0.34m compared to the approved budget of \$91.7m. This increase is mainly due to the impact of interim rate adjustments processed on various residential properties since the preparation of the 2021-2022 Annual Budget. These adjustments are subsequently reflected in the value of the rates raised in 2021-2022.
- Total debtor collections for January 2022 equalled \$7.7m. The Rates collection target is 81.8% and the actual collection is tracking slightly higher at 82.7%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$23.7m.

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2022 (REC)
(ATTACHMENTS)**
Revenue

Rates raised as at January were \$92,036,743, compared to a year to date budget of \$91,692,024. The positive variance of \$344,720 is due to the impact of 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	118,367,636	118,200,403	0%	102,148,569	16%
Payments Received	(102,110,858)	(94,840,374)	8%	(87,172,295)	17%
Closing Balance	22,748,641	29,851,891	-24%	24,118,761	-6%

Total rate debtor collections for the month equalled \$7,270,484.

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	3,896,580	3,113,396	25%	3,764,280	4%
Receipts	(3,804,397)	(3,374,722)	13%	(3,725,257)	2%
Prepayments	(28,989)	5,552	-622%	23,172	-225%
Closing Balance	945,345	626,376	51%	1,301,060	-27%

Sundry debtor balances increased by \$318,968 over the course of January 2022 of which total 90 day sundry debtors over \$1,000 for the month is \$106,204, representing 11% 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 JANUARY 2022 (REC)
(ATTACHMENTS)

The total spend to January 2022 was \$248,607, 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 February.

Budget Amendments

There were no Budget Amendments requested for the month of January 2022 due to the Mid-Year Budget Review being underway.

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 January 2022.

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2022 (REC)
(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 JANUARY 2022 (REC)
(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 January 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.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2022 (REC)
(ATTACHMENTS)**

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 January 2022.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

NOTING

That the Council:

Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 January 2022 as detailed in the following attachments:

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

At 10:15pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS**COUNCIL RESOLUTION**

At 10:14pm Cr Mair moved, seconded Cr Barber –

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

M22/500	Common Seal Report
C22/6000	Investment Statements January 2022
C22/6001	Schedule of Accounts Paid January 2022
C22/6002	Statements of Financial Activity for January 2022

At 10:15pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

Disclosure of Interest

Member	Cr Ross
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Impartiality Interest
Request	Stay, Discuss, Vote

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

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

Item Deferred.

See page 179.

LATE ITEM M22/5901 – COMPLIANCE AUDIT RETURN 2021 (REC) (ATTACHMENT)

Item Brought Forward.

See Page 85.

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

Item Deferred.
See page 179.

16.2 Weir Report, submitted by Cr Mair

Item Deferred.
See page 179

16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross

Item Brought Forward.
See Page 61.

16.4 Scheme Amendment to Rezone 13 Parks and Reserves

Item Deferred.
See page 179.

**LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT
(REC) (CONFIDENTIAL ATTACHMENT)**

Item Brought Forward.
See page 136.

At 10:16pm the Mayor deferred the following items for consideration at the Ordinary Meeting of Council scheduled to be held Tuesday 19 April 2022, commencing at 6:30pm, or at a Special Meeting of the Council to be held prior to that date:

- Item T22/3975 – Mount Pleasant Bowling Club Asbestos Removal Cost Estimate
- Item 5896 – New Council Policy – CP-120 Climate Action Policy
- Late Item P22/3969 – Three Storey Single House – Lot 2 (No 4) Dee Road, Applecross, WA 6153.
- Motion with Notice 16.1 – Mount Pleasant Senior Citizens Site Being Public Open Green Space, submitted by Cr Sandford.
- Motion with Notice 16.2 – Weir Report, submitted by Cr Mair
- Motion with Notice 16.4 – Scheme Amendment to Rezone 13 Parks and Reserves, submitted by Cr Mair

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

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

AUTHORITY / DISCRETION

DEFINITION

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

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

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

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

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

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

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

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

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

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

“That the Council directs the Chief Executive Officer:

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

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

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

DETAIL

Asbestos Removal Cost Estimate

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

The cost estimate is summarised below:

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

Total Cost \$427,000

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

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

Total Project Cost including:

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

Asbestos Removal Approach at the City of Melville

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

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

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

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

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

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

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

II. OTHER AGENCIES / CONSULTANTS

Environmental Consultant
Architect
Quantity Surveyor

QED (Asbestos Audits)
Norda Architects Pty Ltd
H W and Associates

**T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE
(REC)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

FINANCIAL IMPLICATIONS

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

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

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

None

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

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

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

OFFICER RECOMMENDATION (3975)

APPROVAL

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

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

Ward	: All
Category	: Policy
Subject Index	: Climate Change Energy Sustainability
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Alan Ferris Director Corporate Services

AUTHORITY / DISCRETION

DEFINITION

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

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

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

BACKGROUND

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

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

DETAIL

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

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

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

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

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

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

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

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

CONCLUSION

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

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

OFFICER RECOMMENDATION (5896)

APPROVAL

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

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

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

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

AUTHORITY / DISCRETION

DEFINITION

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

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

KEY ISSUES/SUMMARY

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



Figure 1 – Aerial Photography

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

BACKGROUND

Scheme Provisions

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

Site Details

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

DETAIL

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

**[3969 Applicants Copy DA 2021 1275 Two Storey Single Dwelling with Undercroft
4 Dee Road Applecross](#)**

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

State Planning Policy 7.3 Residential Design Codes Vol. 1

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

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

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

Local Planning Policy 3.1 Residential Development

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

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

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

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

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

COMMENTRear (western) Boundary setback

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

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

The objective of the 6 metre rear setback is to maintain a low density character for areas zoned R15 and below, by increasing the separation between dwellings which in turn reduces building bulk, ensures access to sunlight and ventilation and reduces overlooking between properties. This separation is considered particularly beneficial where dwellings have a rear to rear relationship as the setback provisions create a minimum of 12 metres between buildings. The subdivision pattern in this part of Applecross means that the subject site and surrounding neighbours have side to side or side to front relationships meaning that consistent setbacks between are not exhibited.

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

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



Figure 5: Aerial Snapshot of the immediate locality

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

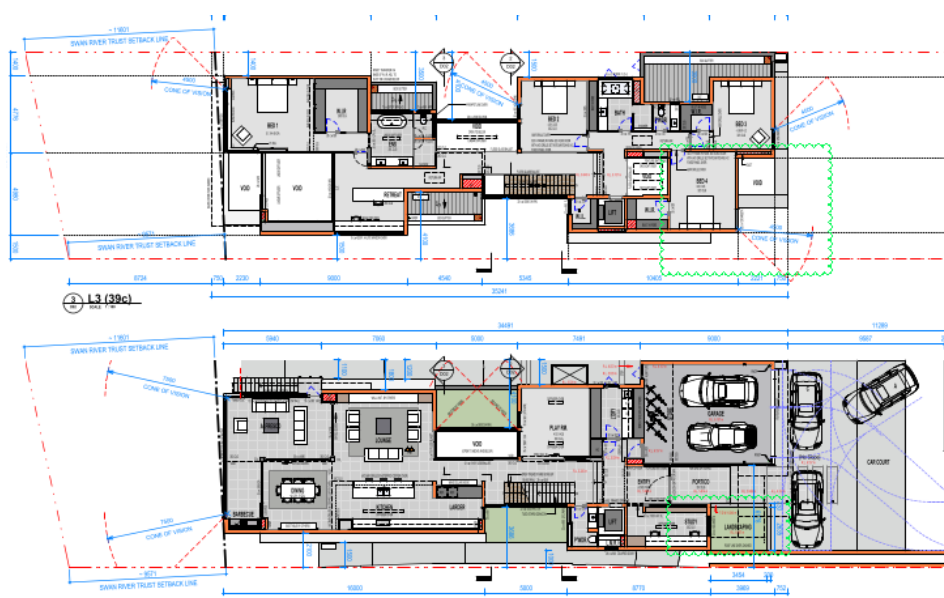


Figure 5: Ground floor and first floor of the approved development at 40B Fraser. Areas highlighted in green will have a view of the proposed development

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

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

Site Works, Retaining and Front Fences

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

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

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

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

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

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



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



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

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



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



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

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



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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

Reasons for motion as provided by Cr Sandford

1. For this iconic site to continue to be used for community purposes,
2. To contribute to the public realm in the CBACP by investing in much-needed parkland to attract better quality residential and commercial development in the CBACP, which flows from Kishorn Rd to the river;
3. To provide much-needed green open space for the community and for children to run and play.
4. A park in this location will make the Mt Pleasant side of the CBACP a more desirable, healthier place to live and work for residents and workers in the Ogilvie Quarter of the CBACP and in this suburb.
5. There are currently no parks within 400 metres of this site suitable for children to kick a ball, play cricket, or run freely. Deep Water Pt Reserve is 1.4 kms away. Clive St is 800m away. The City should increase tree canopy and ensure green space is provided south of, as well north of, Canning Hwy.

16.2 Weir Report, submitted by Cr Mair

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

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

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

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

That the Council directs the CEO to prepare a report on

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

Reasons for motion as provided by Cr Mair

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

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

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

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

Reasons for the Motion with Notice as provide by Cr Mair

1. In the Herald Saturday February 5, 2022 page 5, a Government department spokesperson told the Herald "The council can at any point in time, decide to review the status of its public open areas and propose further scheme amendments." This statement opens the opportunity to respond with a new scheme amendment.
2. Since the city is becoming more dense, we may have more developers in the future wanting green field areas for development. Parks and reserves considered to be under utilized may be redeveloped into housing or some other commercial enterprise.
3. We should not wait for the next Scheme to make these changes since it could be years before completion.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, Mayor Gear confirmed the Cr Pazolli, Cr Wheatland, Cr Spanbroek and Cr Woodall were still in attendance electronically and declared the meeting closed at 10:18pm.