

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY, 19 NOVEMBER 2019
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then Mayor, Honourable George Gear, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young (*until 9:20pm*)
Mr S Cope
Mr M McCarthy
Mr A Ferris
Ms K Johnson (*until 9:42pm*)

Mr L Hitchcock

Ms J Arbel
Mr B Taylor
Ms C Newman
Ms T Wright

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
Director Corporate Services
Executive Manager Organisational
Development
Executive Manager Governance and Legal
Services
Strategic Communications Advisor
Manager Governance and Property
Governance Coordinator
Governance Officer

At the commencement of the meeting there were approximately 23 members of the public and one representative from the Press in the Public Gallery.

At 6:31pm Cr Barber entered the meeting.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Cr Macphail advised that having just returned from a leave of absence he had not had time to read the late documents circulated.

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

Nil.

6. QUESTION TIME

6.1 QUESTIONS RECEIVED WITH NOTICE

6.1.1 City of Melville Residents and Ratepayers Association (Inc)

Summary of preamble:

Questions relating to the WA Parliamentary Select Committee Inquiry into Local Government were received from the City of Melville Residents and Ratepayers Association (Inc).

The questioner provided statements regarding

- a) Minister David Templeman's 27 June 2019 media release post the Inquiry into the City of Melville;
- b) Council's 17 September 2019 resolution regarding Item M19/5705 – Special Meeting of Electors held 12 August 2019 – Motion 2: and the
- c) The City of Melville Administration's 19 September 2019 Submission to the WA Parliamentary Select Committee Inquiry into Local Government;

Question 1

- 1.1 *Who within the City's Administration authorised and is accountable for the Submission; ie under what authority was the public Submission authorised?*

Response

The Chief Executive Officer is accountable for the submission from the City of Melville Administration provided to the Select Committee Inquiry into Local Government.

Question 2

- 1.2 *Did former Mayor Russell Aubrey approve the public statements made in the Submission?*

Response

Former Mayor Aubrey had no involvement in the preparation of the submission. The City's Administration did not publish the submission but prepared it for the sole purpose of informing the Select Committee. The Select Committee has the right to decide whether it publishes individual submissions.

Question 3

- 1.3 *Which Senior Employees and/or other officers within the Administration co-authored the Submission?*

Response

Several employees in the course of their duties contributed to the submission made by the City's Administration.

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

Question 4

- 1.4 *Did the City have external assistance with the preparation of the Submission, if so what assistance?*

Response

The City had no external assistance in the preparation of the Submission.

Question 5

- 1.5 *When did Council pass a resolution to give effect to the statement “the City strongly supports the positions put forward by WALGA in its submission, and endorses the research and analysis that underlies those positions?”*

Response

Not applicable. The first paragraph of the submission clearly explains that the comments and views expressed in the submission are those of the Administration of the City and had not been endorsed by the Council.

On 26 August 2019, the CEO provided Elected Members with a copy of WALGA's draft submission to the Select Committee. He advised that the Administration would read the WALGA submission and determine whether anything needed to be added from the Administration's point of view. The CEO reminded Elected Members in that email that they were welcome to make individual submissions to the Select Committee.

Question 6

- 1.6 *When was Council provided the full facts to substantiate the City Administration's Public Statements; in particular the details of those that “exact retribution from individuals for decision with which they disagree”?*

Response

Not applicable as the submission clearly stated that it reflected the views of the Administration.

The submission spoke in general terms when commenting on behavioural trends that are becoming increasingly prevalent in Western Australia and elsewhere. The submission did not identify any individuals or groups as specific examples to illustrate its general comments. Had it done so, the Committee is unlikely to have published it.

The Council is aware that the Final Report of the Authorised Inquiry noted multiple instances of unreasonable behaviour by certain complainants, in particular “Complainant A” (a group) and “Complainant B” (an individual), and made the following general comment:

“Paragraph 151:”despite the matters being appropriately escalated, it appears that some complainants are not satisfied with the results and continue to seek retribution for the City's alleged actions or inactions.”

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

Question 7

- 1.7 *When was Council provided the full facts to substantiate all the other negative assertions/insinuations outlined in the Submission in support of the City Administration's expressed positions?*

Response

Not applicable as the Submission clearly stated that it reflected the views of the Administration.

The questioner does not specify what it regards as "all the other negative assertions/insinuations" but the Administration's views and comments were stated in general terms.

Question 8

- 1.8 *Why did the City's Administration determine it appropriate to deliver a Submission that is substantially at odds with the Minister's Media Statement and Council's 17 September Resolution?*

Response

The Submission is not at odds with either the Minister's Media Statement or the Council's 17 September resolution, both of which are narrow in scope and not specifically relevant to the Committee's terms of reference.

Within the context of the Select Committee's terms of reference, the Administration of the City of Melville prepared a Submission containing general comments consistent with the findings of the Authorised Inquiry, its own experience and its knowledge of the experience of a number of other local governments.

The Hon. Simon O'Brien MLC notes in the Select Committee's Interim Report that "*its role is to inquire into its terms of reference and report its findings and recommendations to Parliament. It is not the Committee's role to adjudicate on particular disputes either within a local government or between a local government and its residents.*"

It is noted that numerous other submissions to the Select Committee made comments similar to those made by the City of Melville Administration.

Question 9

- 1.9 *Does Council acknowledge the community may see the Administration's Submission as a clear demonstration of its petulance and a lack of real commitment to the much-needed cultural change outlined in the Minister's Media Statements?*

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

Response

It is for each individual reader to interpret the submission in the light of their own views and experience. The submission was addressed to the Select Committee, which will make its own interpretation in the context of its terms of reference, its own research, and evidence given in hearings and in other public submissions. The Committee will report to Parliament accordingly.

The Administration supported the Inquiry's finding of the need for cultural change. Officers presented the recommendation of the Electors' Special Meeting to the Council at the 17 September 2019 Council meeting relating to an addendum to the City's response to the Director General, Department of Local Government, Sport and Cultural Industries dated 28 July 2019. Had the Administration not supported the need for cultural change, an alternative officer recommendation would have been presented to Council.

Question 10

1.10 *Will Council direct the CEO to withdraw the Submission, given the implied endorsement by the City, and thus Council?*

Response

A direction of this nature may constitute an attempt to improperly influence the CEO because of the evidence he has given, or intends to give, to the Select Committee.

As the Select Committee made clear in its media statement of 7 August 2019, it could be considered contempt of Parliament to harass, threaten, intimidate or otherwise improperly influence anyone because of the evidence they have given, or intend to give to a Parliamentary Committee.

The Select Committee has confirmed its awareness that the Council did not endorse the views submitted by the Administration of the City of Melville and does not hold any mistaken belief that there is any "implied endorsement" by the Council. The Committee's published list of submissions names the submission as "City of Melville Administration".

If it so resolves, the Council may seek to make a late submission to the Select Committee, having respect to the comments in the Interim Report about the Committee's role. The Select Committee exercises final discretion over whether to receive a late submission and how it would be treated.

2. We refer to Paul Murray's Page 13 opinion article "Council's cash conundrum" that appeared in The West Australian Wednesday 6 November (copy attached), particularly the statements "Mark McLerie, gave the game away in an email to Liberal MPs in December 2017" (Email) and "A document provided by the city administration to the inquiry showed MRRA and just 10 individuals were responsible for 69 per cent of the 844 documented complaints to the council in the nine months to March 31, 2018" (Document); please confirm:

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

Question 1

- 2.1. *When and whom from the City, officers and/or Elected Members, provided the press, or another third party, the information in relation to the Email and the Document. How was that information provided?*

Response

To the City's knowledge the email and the document has not been released to the Press by City officers. There were a number of governing third parties including the Department of Local Government and the Local Government Inquiry that have been sent copies of the document.

In respect of the email, a recent FOI application determined that the email was shared with other parties by the former CEO.

Question 2

- 2.2. *Whom at the City was in possession of the Email and how was the Email obtained by the City?*

Response

The Email was received by the former CEO of City as a hard copy and now forms part of the City's records. The above mentioned FOI through City records failed to disclose the party/parties who shared the email with the former CEO.

Question 3

- 2.3. *When and which officers and/or Elected Members participated on in (sic) interviews with the press in relation to this story?*

Response

No officers participated in the interview, however questions from the press were received in relation to this matter and forwarded to the Mayor. The City administration has no information as to whether any Elected Members were interviewed.

Question 4

- 2.4. *When did former Mayor Russell Aubrey, former CEO Shayne Silcox, the current CEO Marten Tieleman and/or any approved delegates approve the release of the Email and Document information to the press or another third party?*

Response

There is no knowledge that the Email and Document were together released to the press. It may be prudent for the Committee to ask Mr Murray as to the source of his information.

The document has been previously disclosed to the Department of Local Government in response to a Directions Notice associated with the Authorised Inquiry and in other departmental communications. The email was also separately released under the FOI Act in an edited form to a Committee Member together with records that reveal the parties that the email was shared with.

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

Question 5

2.5. *What will CEO Tieleman do in response to the inaccurate and/or inappropriate information provided in this article?*

Response

No action will be taken by the CEO as the article is not about the operation of the City.

Any individual who has concerns with regard to the content of the article may contact the editor of the newspaper in which the article was published.

6.2 QUESTIONS RECEIVED WITHOUT NOTICE

6.2.1 Melville Residents Association – Action Group

Question 1

One of the recommendations of the Department of Local Government's authorised inquiry was for the City to place minutes of all committee meetings on line (City's web site). What is the City's timetable for implementing this recommendation?

Response

The Department of Local Government's Report into the City of Melville Authorised Inquiry listed seven recommendations. None of these related to the minutes of Committee Meetings be available on the City's website. Section 5.96A of the *Local Government Act 1995* – Information published on official website – requires that decisions of Committee meetings are to be published, however, the City of Melville does not have any Committees with delegated decision making powers under section 5.8 of the *Local Government Act 1995*, and therefore is not required to publish the minutes of those meetings.

Question 2

Did the City engage the previous CEO (S. Silcox) to partially author (or make a contribution to) the City's September 2019 submission to the Legislative Council Select Committee's on going inquiry into Local Government in WA?

Response

No.

6. *Public Question Time Continued, City of Melville Residents and Ratepayers Assoc (Inc)*

6.3 QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Ordinary Meeting of Council – 15 October 2019

6.3.1 City of Melville Residents and Ratepayers Association Inc.

Question 4

Comments and allegations about a City supplier were made by the questioner. A summary of this question is:

What are the specifics of the City's processes used to vet suppliers and/or contractors prior to awarding them contracts/work, including their creditworthiness, liquidity, past prosecutions and breaches of the law; how were these processes applied to the City's recent awarding of multiple contracts to Action Demolition (WA) Pty Ltd. Has anyone at the City declared a real or perceived conflict of interest in relation to Action, Rhino or any other businesses under the control of its sole director, and/or does any Councillor or City officer have any form of personal relationship with Action's sole director?

Response

The contractor has previously been appointed under a tender arrangement to undertake demolition and asbestos removal works for the City and under that arrangement has completed several successful projects. The contractor in question has applied for 86 licenses to undertake various demolitions within the City and in that respect demonstrates compliance with permitting requirements.

The City has Procurement Policies and Procedures that were applied to the appointment of the named contractor. In this instance as the works to be undertaken were estimated to be between \$50,000 and up to \$150,000 requests for quotation were called from three known contractors. Predetermined evaluation criteria were established.

Staff involved in the procurement, which includes the Procurement Planning Meeting, and the evaluation and appointment processes are required to declare any conflicts of interest. No conflicts of interest in respect to this procurement and appointment were declared.

Evaluation panel members consisted of staff from the Major Projects Team and a representative from the Procurement Team. The City has had no issues with previous projects completed by the appointed contractor.

At 6:42 Ms K Johnson left the meeting and returned at 6:44pm

At 6:52pm Cr Kepert advised the Presiding Member that wished to make a public statement.

Procedural Motion

At 6:53pm Cr Kepert moved, seconded

That the audio recording of the meeting be turned off.

LAPSED FOR WANT OF A SECONDER

At 6:54pm Cr Kepert advised the meeting he had three public statements to make in relation to three findings of the Local Government Standards Panel, SP19, SP20 and SP22 of 2018.

With permission from the presiding member Cr Kepert read aloud the following statements

Statement 1

"I advise this meeting that a complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) on 28 January 2018 when I posted various comments in my capacity as local councillor on the Melville City Chat Facebook page that named Mr Tom Carlin personally and accused Mr Carlin in being complicit in the facilitation of cyber bullying, stating that Mr Carlin's behaviour was disgusting and stating that Mr Carlin had made a big mistake, crossed the line and that I would recommend to residents that they would be unsafe on the Melville City Chat Facebook Page.

The Panel has found that by posting the relevant comments I made improper use of my office as a Councillor with the intention of causing detriment to Mr Tom Carlin thereby committing a breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA).

I accept that I should not have posted the comments directed at Mr Carlin personally and that such comments were inappropriate in content. I now apologise to Mr Carlin, the public and my fellow Councillors."

Statement 3

"I advise this meeting that a complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) on 28 January 2018 firstly, when I made a post both on my personal and councillor Facebook pages that named Mr Tom Carlin as the administrator of Melville City Chat and stated that such group facilitate cyber bullying and was unsafe, secondly I posted various comments in my capacity as local councillor on the Melville City Chat Facebook page that named Mr Tom Carlin personally and accused Mr Carlin of being complicit in the facilitation of cyber bullying, stating that Mr Carlin's behaviour was disgusting and stating that Mr Carlin had made a big mistake, crossed the line and that I would recommend to residents that they would be unsafe on the Melville City Chat Facebook Page.

Firstly when I posted a comment on another Councillors Facebook page stating that Mr Tom Carlin's behaviour was disgusting and he was about to find out how well connected we were.

The Panel found that by posting the relevant comment I made improper use of my office as a Councillor with the intention of causing detriment to Mr Tom Carlin thereby committing a breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA).

I accept that I should not have posted the comments directed at Mr Carlin personally and that such comments were inappropriate in content. I now apologise to Mr Carlin, the public and my fellow Councillors."

Statement 2

"I advise this meeting that a complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) on 28 January 2018 firstly, when I made a post both on my personal and councillor Facebook pages that named Mr Tom Carlin as the administrator of Melville City Chat and stated that such group facilitated cyber bullying and was unsafe, secondly I posted various comments in my capacity as local councillor on the Melville City Chat Facebook Page that named page that named Tom Carlin personally and accused Mr Carlin of being complicit in the facilitation of cyber bullying, stating that Mr Carlin's behaviour was disgusting and stating that Mr Carlin had made a big mistake, crossed the line and that I would recommend to residents that they would be unsafe on the Melville City Chat Facebook Page and thirdly when I posted Firstly when I posted a comment on another Councillors Facebook page stating that Mr Tom Carlin's behaviour was disgusting and he was about to find out how well connected we were.

The Panel found that by posting the relevant comments I made improper use of my office as a Councillor with the intention of causing detriment to Mr Tom Carlin therefore committing a breach of regulation 7(1)(b) of the Local Government (Rules of Conduct) Regulations 2007 (WA).

I accept that I should not have posted the comment directed at Mr Carlin personally and that such comment was inappropriate in content. I now apologise to Mr Carlin, the public and my fellow Councillors."

At 7:00pm Cr Kepert concluded his public statements.

7. AWARDS AND PRESENTATIONS

2019 Local Waste and Resource Recovery (WARR) Awards

The City of Melville was awarded Communication Engagement success of the year, for the FOGO (Food Organics Garden Organics) rollout campaign 'Talking Trash the Melville Way'.

Presented at the Waste Management and Resource Recovery Association Annual Awards, the City was recognised in the way it engaged and educated residents. From rap waste videos, to gaming apps and interactive information sessions, the Council changed the way it communicated to the public.

The City made adjustments and provided free, larger recycling bins and offered free general waste bin audits to those struggling with capacity issues, rather than just rolling out the standard 3 bin system.

The City continues its commitment to resource recovery and congratulates the Melville Community for embracing and taking the lead on FOGO.

The Mayor, Honourable G Gear presented the Award to the Director Technical Services, Mr McCarthy.

Local Government Professionals WA Innovative Management Initiative Award 2019

On 7 November the Local Government Professionals WA held their Excellence in Local Government Annual Honour Awards Ceremony.

The City of Melville received the Innovative Management Initiative Award for community outcome based planning and reporting.

This award recognises the contribution across the organisation in the development of the City's Annual Organisational Plan and outcome planning and reporting. This initiative has taken a number of years to develop, and came from an opportunity for improvement in the last Business Excellence Evaluation in 2017.

The Mayor, Honourable G Gear presented the Award to the Executive Manager Organisational Development, Ms Johnson.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 15 OCTOBER 2019**
Minutes 15 October 2019**COUNCIL RESOLUTION**

At 7:03pm Cr Macphail moved, seconded Cr Barton –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15 October 2019, be confirmed as a true and accurate record.

At 7:03pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 NOVEMBER 2019
Notes 5 November 2019**COUNCIL RESOLUTION**

At 7:03pm Cr Wheatland moved, seconded Cr Barber –

That the Notes of Agenda Briefing Forum held on Tuesday, 5 November 2019, be received.

At 7:04pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.3 SPECIAL MEETING OF THE COUNCIL –21 OCTOBER 2019
Minutes 21 October 2019**COUNCIL RESOLUTION**

At 7:04pm Cr Pazolli moved, seconded Cr Woodall –

That the Minutes of the Special Meeting of the Council held on Monday, 21 October 2019, be confirmed as a true and accurate record.

At 7:04pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.4 SPECIAL MEETING OF THE COUNCIL –29 OCTOBER 2019
Minutes 29 October 2019**COUNCIL RESOLUTION**

At 7:04pm Cr Wheatland moved, seconded Cr Kepert –

That the Minutes of the Special Meeting of the Council held on Tuesday, 29 October 2019, be confirmed as a true and accurate record.

At 7:04pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.5 SPECIAL MEETING OF THE COUNCIL – 4 NOVEMBER 2019
Minutes 4 November 2019 CEO Performance Review

COUNCIL RESOLUTION

At 7:05pm Cr Pazolli moved, seconded Cr Robartson –

That the Minutes of the Special Meeting of the Council held on Monday, 4 November 2019 relating to the Chief Executive Performance Review, be confirmed as a true and accurate record.

At 7:05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.6 SPECIAL MEETING OF THE COUNCIL – 4 NOVEMBER 2019
Minutes 4 November 2019 Parking Riseley Center

COUNCIL RESOLUTION

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

That the Minutes of the Special Meeting of the Council held on Monday, 4 November 2019 relating to the suspension of Fees and Charges relating to paid parking at the Riseley Centre, be confirmed as a true and accurate record.

At 7:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.7 GOVERNANCE COMMITTEE – 18 NOVEMBER 2019

COUNCIL RESOLUTION

At 7:06pm Cr Pazolli moved, seconded Cr Kepert –

That the Minutes of the Governance Committee Meeting held on Monday 18 November 2019 be noted.

At 7:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

NB:

Minutes to be confirmed at next Governance Committee Meeting

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

- Cr Mair - Item P19/3830 – Local Planning Policy – Canning Bridge Activity Centre Plan – Community Benefits For Ceding of Road Widening. Financial Interest.
- Cr Mair – Notice of Motion – Local Planning Policy – Canning Bridge Activity Centre Plan – Community Benefits For Ceding of Road Widening. Impartiality Interest.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Barton – Item P19/3830 – Local Planning Policy – Canning Bridge Activity Centre Plan – Community Benefits For Ceding of Road Widening. Interest Under the Code.

At 7:13 pm Mayor Honourable G Gear made the following statement:

“I have to declare an interest myself, later I will be allowing Mr Clive Ross from the Swan Foreshore Protection Association to make a deputation and that organisation during the recent election campaign had flyers and advertisements in newspapers supporting me prepared published or printed or distributed without the candidates participation or involvement and therefore not considered a gift to the candidate but I declare that to the meeting.”

10. DEPUTATIONS**10.1 Mr C Ross of Applecross**

Item P19/3830 – Local Planning Policy – Canning Bridge Activity Centre Plan – Community Benefits for Ceding a Road Widening

10.2 Mr C Ross representing Swan Foreshore Protection Association Incorporated

Item P19/3822 – Three Multiple Dwellings – 4A View Road, Mount Pleasant

10.3 Mr C Ross representing Swan Foreshore Protection Association Incorporated

Item T19/3826 - Petition – Beach Street Footpath Construction

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

At 7:13pm Mr C Ross entered the Chambers for the purpose of providing a deputation on

- P19/3822 Three Multiple Dwellings- 4A View Road, Mount Pleasant.
Mr Ross commenced this presentation at 7:14pm and concluded at 7:24pm.
- P19/3830 Local Planning Policy – Canning Bridge Activity Centre Plan –
Community Benefits For Ceding of Road Widening.
Mr Ross commenced this presentation at 7:24pm and concluded at 7:33pm.

At 7:26pm Cr Robins left the meeting and returned at 7:27pm

COUNCIL RESOLUTION

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

That Mr Ross be granted a further 10 minutes to speak on Item T19/3826 Petition – Beach Street Footpath Construction

At 7:33pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:33pm Cr Wheatland left the meeting and returned at 7:34pm.

At 7:33pm Cr Barton left the meeting and returned at 7:37pm.

Mr Ross continued his deputation

- T19/3826 Petition – Beach Street Footpath Construction.
Mr Ross commenced this presentation at 7:33pm and concluded at 7:40pm.

Mr Ross's presentation. Mr Ross departed the Chambers at 7:42pm

At 7:43pm the Mayor invited Miss B Lockwood to enter the Chambers for the purpose of answering a question that was posed to her at the Agenda Briefing Forum held 4 November 2019, in relation to Item T19/3826 – Petition – Beach Street Footpath Construction.

At 7:44pm Ms N Lockwood and Miss B Lockwood entered the Chambers and departed the Chambers at 7:45pm.

13. PETITIONS

13.1 Petition – Guidelines Special Meeting of Electors

A petition was received 15 November 2019, signed by 1 elector, as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council establish a clear and unambiguous Policy document for the management and conducting of Special Meeting of Electors (SMEs).

The previous guidelines as last amended on the 15 January 2018 by the former CEO have since that date been manipulated by various parties at some 8 or so SMEs as well as at the 2018 Electors AGM to the extend (sic) that electors’ democratic rights to review, question and scrutinise their council’s conduct and performance has been effectively eliminated.

The attached document (being a policy in draft) is commended to council as a starting point for its deliberation”

COUNCIL RESOLUTION

At 7:46pm Cr Wheatland moved, seconded Cr Woodall–

That the Council acknowledge the petition.

At 7:47pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

13.2 Petition – Troy Park, Attadale

A petition was received 29 October 2019, the petition was resubmitted on 14 November 2019 with four pages of images attached, signed by 64 residents, as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council address the various problems and shortcomings with the areas at the entrance to Troy Park in Burke Drive, Attadale.

The problems are (but not limited to) flooding and ponding that occurs during the winter months of the grassed entrance area and roadway; that the road is not level and has no associated drainage and hence the left side is subject to flooding which reduces the availability of accessible parking; the lack of safety lighting and the clearing out of the area (including removal of dead trees etc) on the right side of the entrance so that a junior playground can be installed.”

Officers provided an Advice Note on this matter. [Troy Park Advice Note](#)

COUNCIL RESOLUTION

At 7:47pm Cr Sandford moved, seconded Cr Barber –

That the Council acknowledge the petition.

At 7:47pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

13. *Petitions continued*

13.3 Petition – Request for Independent Review

A petition was received on 3 November 2019, signed by 77 residents, as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council conduct an independent review, by parties and on terms as mutually agreed between Council and Mr McLerie, of the performance and conduct of the City of Melville in respect to Mr McLerie’s various building related and consequential complaints since 2012, as mentioned in his 27 October 2019 letter to Council; in relation to various matters that have caused Mr McLerie and his family significant damage and unwarranted distress.”

COUNCIL RESOLUTION

At 7:48pm Cr Pazolli moved, seconded Cr Kepert –

That the Council acknowledge the petition and refer the matter to the Governance Committee for consideration and report.

At 7:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

13.4 Petition – Position of Boundary R-ACO zone and R-20 zone Canning Bridge Precinct Plan

A petition was been received on 11 November 2019, signed by 101 residents, as follows:

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

- 1. To make inquiries as to the reason why the boundary between the R-ACO Zone (within the Canning Bridge Precinct Plan) and the R20 Zone (outside the Canning Bridge Precinct Plan) is positioned within View Road, Mount Pleasant.*
- 2. To make inquiries as to whether this boundary may be repositioned so it commences at the beginning of a road or street and accordingly has a road or street as a buffer between zones.*

Reasons to support the action requested are:

- 1. No clear explanation has ever been given as to why the boundary between the R-ACO and R20 zones has been positioned within View Road Mount Pleasant and in a ‘dog-leg- configuration.*
- 2. The positioning of the boundary between zones in the middle of View Road causes practical difficulty and legal uncertainty for owners of properties either side of the boundary because there are different rights and obligations applicable to each zone.*
- 3. There are many in the Melville community who consider that it is completely inappropriate to place a significant zoning boundary in the middle of a road or street.”*

Officers provided an Advice Note on this matter. [Canning Bridge Advice Note](#)

13. *Petitions continued*

COUNCIL RESOLUTION

At 7:48pm Cr Wheatland moved, seconded Cr Pazolli –

That the Council acknowledge the petition and a report be prepared.

At 7:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

13.5 Petition – Select Committee Inquiry into Local Government, Request for Clarification of Statements

A petition, with 21 pages of attachments, was received 13 November 2019, signed by 1 elector, as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council in light of comments made on 22 October 2019 before the legislative Council’s Select Committee inquiry into Local Government by two members of the Local Government Standards Panel (namely, Mrs Emma Power & Mr Paul Kelly); write to Mr Michael Connolly (Presiding Member) seeking clarification of a number of statements made by the fore mentioned members as their statements either directly related to or appear to relate to the City of Melville and its former CEO. Attached are the pages of the transcript that contain the relevant statements underlined and highlighted. Also attached are pertinent excerpts from the LG Standards Panel 2018/2019 Annual Report and two pages from the previous annual report. The matters of much concern to the petitioner are the sweeping statements like ‘there is all sorts of antics’ being employed (page 4) and ‘dealing with juvenile justice or whatever’ (page 5) and on page 6 ‘a good example is Melville – they have got a community board (?) allegations such as the site is unsafe’ (some examples of unsafe correspondence received by the petitioner is included) an not least of which on page 9 is the statement of ‘some CEOs are conspicuous by lodging several complaints’ to which Mrs Power is in whole hearted agreement and goes on to mention and outgoing CEO in particular and moreover that the complaints process can be employed as a weapon against councillors as we have certainly seen and that even the petitioner has been threatened with.”

COUNCIL RESOLUTION

At 7:49pm Cr Barton moved, seconded Cr Kepert –

That the Council acknowledge the petition.

At 7:50pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

**P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)**

Ward	: Applecross - Mount Pleasant
Category	: Operational
Application Number	: DA-2019-585
Property	: 4A View Road, MOUNT PLEASANT WA 6153
Proposal	: Three Multiple Dwellings
Applicant	: Harden Jones Architects
Owner	: G J Ware and S Ware
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: DAU 20 August 2019 U19/0523 P19/3822 Three Multiple Dwellings – 4A View Road, Mount Pleasant 15 October 2019 Ordinary Meeting of Council
Responsible Officer	: Mark Scarfone Coordinator Planning 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 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>

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval is sought for a four storey multiple dwelling development comprising three apartments. The proposed development is located within the H4 zone of the Canning Bridge Activity Centre Plan and is considered to satisfy the relevant development provisions of the CBACP, Local Planning Scheme No. 6 (LPS6), and Local Planning Policy.
- In accordance with Council Delegation DA-20: *Planning and Related Matters*, the application was referred to the Development Advisory Unit (DAU) on 20 August 2019. 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 for determination in accordance with the procedure outlined in Local Planning Policy 1.1 – Planning Process and Decision Making.
- Notwithstanding the objection received, it is recommended that the proposed four storey development be approved subject to conditions.

**BACKGROUND**

This item was presented to the Ordinary Meeting of Council held 15 October 2019, where it was resolved:

“That the Item P19/3822 - Three Multiple Dwellings – 4A View Road, Mount Pleasant be deferred to the 19 November 2019 Ordinary Meeting of Council.”

The Canning Bridge Activity Centre Plan (CBACP) was gazetted in April 2016 and amended in June 2018 and August 2019.

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)

The adjoining property at No6 View Road is zoned Residential R20 under the provisions of LPS6. At the March 2019 Ordinary Council Meeting, the Council endorsed changes to the development controls in the H4 areas of the CBACP. The WAPC recently made a decision to support the majority of the proposed changes with the exception of visual privacy. The approved changes were introduced to improve the relationship between buildings within the H4 area of the CBACP, and those that fall outside the Activity Centre Plan area. One of these changes (Clause 5.8) requires an 8m setback to be provided to the 3rd and 4th storeys of any development proposed. The proposed development has incorporated this 8m setback requirement as required.

No. 4A View Road (the subject site) is located in the H4 precinct of the CBACP which permits residential development of up to four stories.

The proposed development was presented to the Development Advisory Unit (DAU) meeting held on 20 August 2019 and where it was resolved to recommend approval with conditions. Following the publication of the DAU report and associated attachments on the City's website, a call up request was received from Cr's Pazolli and Kepert. This request was made on the grounds that the DAU report does not adequately address the points raised in the submission received.

In accordance with the procedure outlined in Local Planning Policy 1.1 Planning Process and Decision Making, City officers met with the Elected Members to discuss the proposed development in detail. Following this meeting the Elected Members reaffirmed their position that the application should be determined by Council.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R -AC0
Use Type	: Residential
Use Class	: Preferred

Site Details

Lot Area	: 503m ²
Retention of Existing Vegetation	: No retention of onsite vegetation
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: No
Site Details	: Refer to Figure 1 above

[3822 20190909 4A VIEW RD MT PLEASANT DA006](#)

[3822 POS Position Statement PP7 3 R](#)

The proposal has been assessed against all the relevant provisions of Local Planning Scheme No. 6 (LPS6), the CBACP and all relevant local planning and council policies. The proposal satisfies all of the requirements found therein with the exception of those matters listed in the Table below.

Development Requirement	Requirements	Proposed	Comments	Delegation to approve variation
Rooftop - Height to lift overrun and fire stairs	3m	4m	Requires assessment against the Desired Outcomes of the CBACP	Development Advisory Unit (DAU)
Overshadowing	The provision of solar access and overshadowing do not apply within the CBACP.	N/A	See report below.	Development Advisory Unit (DAU)

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
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Northern setbacks at all levels	4m	Ground floor: 3.5m First floor: 3.5m Second floor: 3.2m – 3.5m Third floor: 3.2m – 3.5m	Requires assessment using Performance Criteria.	Manager Statutory Planning (MSP)
First Floor Setback (South)	4m	3.5m	Requires assessment using Performance Criteria.	Manager Statutory Planning (MSP)

R-Code Requirements:

The Canning Bridge Activity Centre Plan (CBACP) was gazetted in April 2016. As stated on page 18, the Design Guidelines contained within the CBACP replace the requirements of the Residential Design Codes.

Since the adoption of the CBACP, the Design WA suite of documents was released. This suite of documents includes a position statement by the Western Australian Planning Commission which confirms that the R-Codes do not apply in areas where a properly adopted activity centre plan exists. A copy of this position statement is attached to this report.

STAKEHOLDER ENGAGEMENT

Advertising Required: No
Reason: Development generally meets the requirements in Clauses 1 to 20 in the CBACP and no adverse impact identified.

Neighbour's Comment Supplied: Yes – A letter of objection and a legal behalf of the adjoining landowner were received by the City.

Support/Object: Object

While formal advertising was not undertaken by the City, a submission has been received. In accordance with Council Delegation DA-20: *Planning and Related Matters* where an objection is received in regard to a departure to the requirements of relevant policy, the application is required to be referred to the Development Advisory Unit (DAU) for determination.

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
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Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	Overshadowing	Object	See assessment below	Not Uphold
	Height	Object	See assessment below	Not Uphold
2	Procedural issues relating to the relationship between the CBACP and SPP 7.3 Volume 2	Object	See assessment below	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

City of Melville Design Review Panel

The application was considered by the City's Design Review Panel (DRP) on 3 April 2019 and 3 July 2019. The DRP offered a number of suggestions to improve the design quality. The applicant has responded positively to the comments and suggested improvements of the DRP, and this response is considered to have enhanced the quality of the development outcome proposed.

Some of those improvements include;

- 1) Relocating car parking to the rear of the site and providing a more active frontage to the street.
- 2) Further articulation provided along the northern elevation.
- 3) Provision of a more direct interface with the street and an identifiable entry area.
- 4) Provision of a concept landscape plan with increased areas for landscaping.

STATUTORY AND LEGAL IMPLICATIONS

If an applicant is aggrieved by this determination of this application, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies.

COMMENTOvershadowing

Clause 5.7 of the CBACP states that 'provisions of privacy and solar access and overshadowing do not apply within the CBACP'. There is no specific provision relating to overshadowing of lots outside of the CBACP. In view of this the proposed development has been assessed against the desired outcomes provided by the CBACP, taking into account the setback requirements applicable in the H4 zone.

The desired outcomes of the CBACP seek to ensure that development outcomes throughout the precinct are optimised. The proposed development achieves the permitted height in storeys while maintaining an 8 metre setback to the southern boundary for the upper two floors and exceeding the minimum setback requirements to the rear. The Design Review Panel concluded that the development represents a creative response to what is a constrained site. It is considered that the overall design outcome is a good one.

In addition to optimising development outcomes, the CBACP encourages applicants to consider the amenity of adjoining dwellings, in terms of visual privacy and overshadowing through an appropriate design response supported by the setback provisions (refer to Desired Outcome DO 5 of CBACP). In response to this, the applicant has incorporated measures to minimise overlooking such as the provision of highlight windows, rear setbacks which comply with the visual privacy provisions of Design WA and landscaping. As a result it is considered that the development meets the expectations for visual privacy and should be supported on that basis. In response to the call up request the applicant has submitted updated plans, which provide 1.6m high screening to the third floor south facing balcony to ensure there is no overlooking from this area to the south.

In terms of overshadowing the upper floor side setback of 8 metres, which is provided in accordance with the amended design guidelines for the H4 area of the Activity Centre Plan (ACP) area, is the key measure designed to safeguard amenity where development is proposed at the interface of the H4 area with land outside the CBACP boundary, as in this case. The introduction of this setback requirement, in the case of a four storey development proposal, applies to the upper two storeys, as it is this element of a four storey development that is likely to have the greatest impact on existing development that lies outside of the ACP area.

As the required 8m setback to the upper two storeys of this development is provided, and given the fact that the CBACP states at Clause 5.7 that "*provisions of privacy and solar access and overshadowing do not apply within the CBACP area*", it is concluded that in terms of overshadowing, the development as proposed meets the CBACP expectations for development within the H4 area

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With regard to specific impacts, the shadow that is cast from the development at midday on 21st June amounts to 52% of the site area of that lot. This shadow covers the whole of the outdoor living area of No.6 View Road (refer to Figure 5 below).

The dwelling at No.6 has been designed around a central courtyard which is located on its northern side boundary (refer Figure 3 below). An outdoor living area in this location is more susceptible to shadow encroachment from development to the north than it would be if it was located towards the rear of the dwelling. It is noted that a traditional single dwelling house development to two/three storeys in height would itself cause a shadow impact towards the outdoor courtyard area, and in that scenario, the overall overshadowing impact would likely be fully compliant.,

It is for these reasons, as well as the design guidelines of the CBACP, that it is considered that the development as proposed should not be resisted in planning terms, despite the concerns raised in the submission received, relating to its specific shadow impacts towards the property at No.6 View Road. In terms of overshadowing impacts therefore, the development as proposed is recommended for approval.

It is noted that the setback variation to the lower two floors on the southern side, 3.5m in lieu of 4.0m, is supported as:

1. The application site is convoluted in terms of its shape, it being narrower towards the View Road frontage, and widening out as it moves away from the street. This means that the side setback requirements of the ACP cannot be applied as a single measurable figure, the actual requirement being 3.5m where the site width is between 14m and 16m, and 4.0m where the site width is more than 16m.
2. The objective of the setback requirements are to ensure space between buildings, enable view corridors between buildings, and to safeguard amenity towards adjoining sites from the adverse impacts of overshadowing and visual privacy issues.
3. The side setback variation to the southern side for the ground and first floor elements of the proposed development does not contribute to any overshadowing impacts as the shadow cast by the compliant upper storeys of the proposed development effectively masks that from the lower building storeys. In addition there are no privacy implications from the southern side setback variation (see Figure 4 below).
4. The fact that the site is at its narrowest closest to its interface with the street frontage means that the required setback of 3.5m at that point dictates the resultant view corridor. As such the provision of a 3.5m setback in lieu of 4.0m for the remainder of the site depth has no further impact on the view corridor at this point.

**P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)**



Figure 3- Outdoor living area of southern property outlined in green

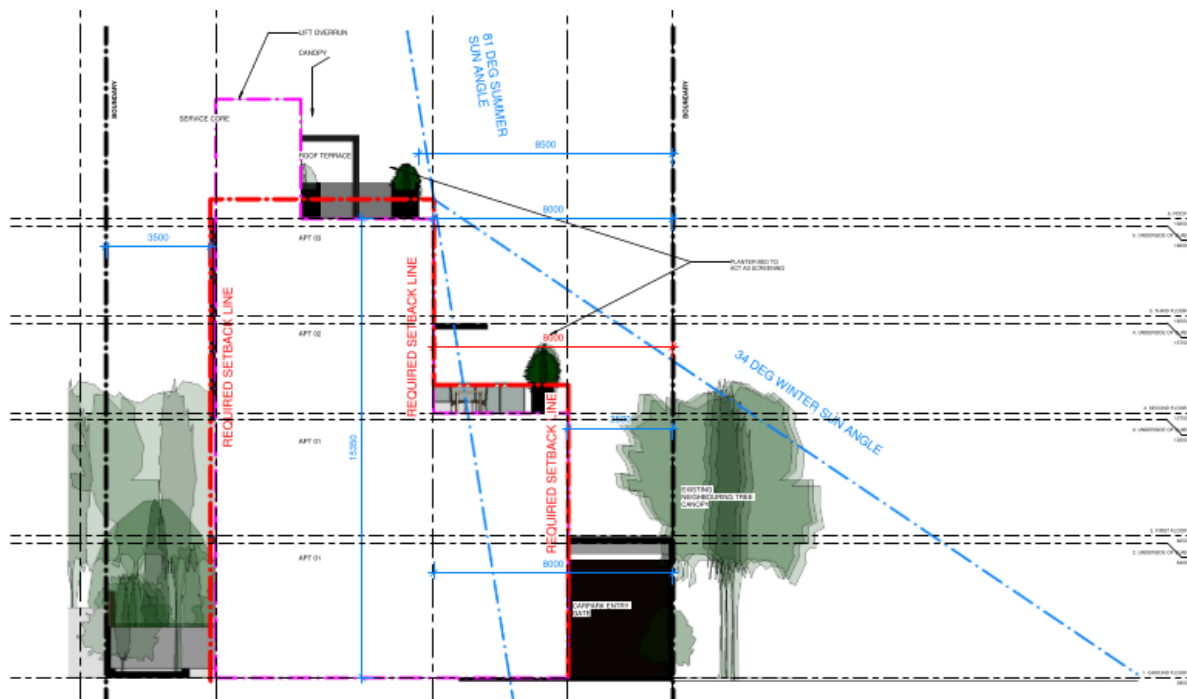


Figure 4- Section plan showing line of shadow from proposed development

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(REC) (ATTACHMENT)



Figure 5- Shadow plan for 12pm on 21 June

Height

The CBACP nominates a four storey and 16m height limit for the H4 Zone. The proposed development is four storeys with a height of 15.7 metres to the finished floor level of the roof terrace.

The definition of height excludes any lift plant, water tower or similar utility service to a maximum height of 3metres. The proposed height of the lift and fire stair is 4 metres measured from the finished floor level of the roof deck and as such requires assessment against the Desired Outcomes of Element 3.

The proposed lift shaft and stair is setback 12.5m from the southern boundary and is setback 7.6m from the street, 3.5m from the northern boundary and 10m from the rear boundary. These setbacks, combined with the articulated form, reduce the impacts to the street and surrounding properties.

The adjoining property to the north is zoned H4 under the CBACP. The bulk impact from the subject area is reduced as this elevation has been designed with an articulated form with a variety of materials and finishes. Overlooking provisions do not apply and due to the orientation of the lot, there are no off-site shadow impacts.

As such the proposed height is considered to meet the relevant Desired Outcomes of the CBACP. The proposal is consistent with the desired scale and built form of the centre, the increased height does not result in unreasonable amenity impacts to adjoining properties and the interface between the zones is appropriately managed. The height is supported on that basis.

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)Procedural issues

The legal opinion received by the City dated 8 August 2019 suggests that the R-Code provisions in relation to solar access apply to the subject site. The legal opinion therefore suggests that the proposed development should not overshadow more than 25% of the adjoining site at midday 21 June.

As stated above, the R-Codes do not apply to development within the CBACP precinct. The position statement released by WAPC in May 2019 confirms that this is the case. The proposed development therefore is required to be assessed having regard to the development controls contained within the CBACP.

The proposed development is considered to meet the relevant provisions of the CBACP and is supported on that basis.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to refuse the development application and provide a reason for doing so. If the Council chooses to refuse the application, the applicant may choose to seek a review of the decision through the State Administrative Tribunal.

CONCLUSION

The proposed development is considered to be consistent with the intent and provisions of the CBACP, the Local Planning Scheme and R-Codes. The application is recommended for conditional planning approval on that basis.

OFFICER RECOMMENDATION (3822)**APPROVAL**

At 7:50pm Cr Macphail moved, seconded Cr

1. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**
2. **All stormwater generated on site is to be retained on site.**
3. **Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.**
4. **The development shall be serviced by a concrete or brick paved vehicle crossover with a minimum width of 4m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.**

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)

5. Fencing and all structures within the front setback area are to comply with Clause 10.7 of Element 10 of the Canning Bridge Activity Structure Plan with a maximum height of 1.2m to the satisfaction of the City.
6. Prior to the commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but not limited to):
 - a. The location, number and type of proposed trees and shrubs including planter size and planting density;
 - b. Any lawns to be established;
 - c. Any existing vegetation and/or landscaped areas to be retained;
 - d. Any verge treatments; and
 - e. The landscaping treatment to be applied to the drive way access leg boundary.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

7. Prior to the initial occupation of the development, an updated Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the City. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the City.
8. Prior to the commencement of works, an updated Environmentally Sustainable Design Report shall be submitted to and approved in writing by the City in response to the amended building design and shall accord with Clause 5 of the Canning Bridge Activity Structure Plan.
9. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted to and approved in writing by the City. Once approved, the development is to be constructed in accordance with those details.
10. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)

11. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
- public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
 - any other matters likely to impact upon the surrounding properties or road reserve.
- Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.
12. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, 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 must not obstruct vehicle sight lines. Temporary structures are to be removed prior to initial occupation of the development.
13. Prior to the commencement of works, a scheme for the provision of Public Art shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals and the Canning Bridge Structure Plan prior to the initial occupation of the development to the satisfaction of the City. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.
14. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and 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.

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- 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 Street 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.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the City and may only be removed upon occupation of the development.

15. Prior to the commencement of works, an Acoustic Report shall be submitted to demonstrate that all mechanical services and car parking associated with the development are capable of complying with the 'Assigned Noise Levels' contained in the Environmental Protection (Noise) Regulations 1997 when the noise is received at any neighbouring residential premises to the satisfaction of the City. Once approved, the development shall operate in accordance with the recommendations set out in the report to the satisfaction of the City.

LAPSED FOR WANT OF SECONDER

P19/3822 - THREE MULTIPLE DWELLINGS – 4A VIEW ROAD, MOUNT PLEASANT
(REC) (ATTACHMENT)

COUNCIL RESOLUTION

At 7:54pm Cr Pazolli moved, seconded Cr Barton –

That the Council refuses this application.

At 8:11pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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

Reasons as provided by Cr Pazolli

1. Extent of overshadowing on the adjacent R20 zoned property and the need to resolve the legal issue regarding properties outside the Canning Bridge Activity Centre Plan compared to properties within the Canning Bridge Activity Centre Plan and the erosion of the rights of R20 landowners.
2. Balcony set backs on level three intruding into the 8metre set back area, which is only allowed for M10 and M15 developments in the Canning Bridge Activity Centre Plan and not provided for in H4 developments.
3. The setback variations on both the northern and southern side at ground floor and level one.
4. The bulk and size of development being inconsistent with the adjoining properties.
5. The roof top height and lift overrun/stairs being excessive.

At 8:00pm Mr Hitchcock left the meeting and returned at 8:03pm.

At 8:17pm Ms Johnson left the meeting and returned at 8:21pm.

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)

Ward : Palmyra – Melville - Willagee
 Category : Operational
 Property : 10 Archibald Street, Willagee
 Proposal : Naming of new roads at Carawatha Redevelopment Project, Archibald Street, Willagee
 Owner : 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 : Nil
 Responsible Officer : Jeremy Rae
 Strategic Property Executive

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>

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT**KEY ISSUES / SUMMARY**

- The third and final stage of the revitalisation project for the Carawatha site has commenced.
- The civil construction contractor, Croker Constructions, is carrying out the civil subdivision works program under the supervision of the Project Manager, Satterley Property Group.
- The Project Manager, Satterley Property Group, has prepared a road name proposal plan for the Carawatha site with the names selected from the City's Schedule of Names (Asset Naming) in accordance with the Landgate Geographic Names Committee Policies and Standards.
- This report seeks Council endorsement of the proposed road names and support to initiate public consultation in accordance with Council Policy 096 – Naming of Roads, Parks, Buildings and Infrastructure.

Landgate and the Geographic Names Committee (GNC) have delegated authority for all official naming of topographical and/or cultural features to ensure the selection and recording of names in a systematic and timely manner. Any naming proposals are required to meet the GNC Policies and Standards.

Local governments in Western Australia are required to make submissions to Landgate for any naming proposals for place names, features, administrative boundaries, localities or roads within their jurisdiction.

Within Western Australia road naming is standardised to facilitate the application of correct address information and to ensure that a consistent approach is undertaken to benefit emergency service responders, transport and service delivery.

All roads, whether they are public or private, shall be named and formally approved by Landgate.

At the Ordinary Meeting of Council held 16 February 2016, Council adopted new Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.

The Policy provides guidance for community consultation in naming opportunities and sought to expand the previous Road and Park Names Inventory to include:

- (a) prominent district identities (including pioneering families);
- (b) persons who have made a significant contribution to the community;
- (c) Elected Members who have been presented with the City of Melville Award for Distinguished Service to Council under Policy CP- 015;
- (d) personal names who have had a direct long-term association with the area, or have made a significant contribution to the area such as twenty or more years voluntary service associated with a local community group or service club;
- (e) traditional indigenous names relevant to a site or locality or with a relevant meaning;
- (f) names that have historical connotations with the site or surrounding area; and
- (g) names that represent any relevant local landmarks, flora or fauna.

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)

Every two years the Council considers and endorses the inclusion of additional names on the City's schedule of Schedule of Names (Asset Naming).

DETAIL

The Carawatha Redevelopment Project, Archibald Street, Willagee proposes the creation of two public roads to provide public access to the created lots as per the Western Australian Planning Commission (WAPC) approved subdivision plan for the site (WAPC Ref: 15351).

The proposed road names for the site have been selected from the City's Schedule of Names (Asset Naming) in accordance with the GNC Policies and Standards and comprise:-

1. Sumpton Loop and;
2. Utting Lane.

(Refer to Attachment

[3828 Carawatha Redevelopment Project proposed road names plan](#))

William. J Sumpton operated the first bus service in Melville (1924) in the Palmyra / Melville / Willagee Ward. Phillip Utting was the first Headmaster of Carawatha Primary School, Willagee 1959-1972. The use of the Sumpton and Utting names for the road names of the Carawatha redevelopment project provides a local historical reference to the previous use of the site and the local Willagee area.

The names are consistent with the historical link to the Willagee area that Satterley Property Group has themed in the Carawatha Development Project "Gallery", by connecting existing and new residents to the suburb of Willagee to enhance a feeling of community.

STAKEHOLDER ENGAGEMENT

All naming proposals are subject to consultation with the community in accordance with the requirements of the GNC Policies and Standards.

I. COMMUNITY

If supported the City will commence public consultation of the proposed road names for a period of 14 days by advertisement in the local newspaper; a notice on the City's website; and written correspondence with owners and occupiers of all properties which abut the proposed roads. The City will also place a sign at the site with details on the proposed road names and location; and information on how to provide feedback.

Following the close of advertising, the results of the public consultation will be reported to the next available meeting of Council. If Council resolves to endorse this proposal, the City will refer the details of the proposal, any submissions received and the minutes of the applicable Council meeting to Landgate for consideration and final approval of the GNC.

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

The GNC is responsible for the final approval of all Road and Park names. If the GNC approves the proposed Road names, the City will advise any other relevant stakeholders and service providers including, but not limited to:

- Australia Post
- Alinta Gas
- Western Power
- Water Corporation
- City's Technical Services (new Street signage)
- City's GIS officer

STATUTORY AND LEGAL IMPLICATIONS

Authority for the official naming of topographical and cultural features within the State is delegated by the Minister for Lands to the GNC. The GNC has published the Policies and Standard for Geographical Naming in Western Australia. This provides for the orderly selection and recording of names in a systematic and timely manner.

Official naming of features is governed by:

- *Land Administration Act 1997*
- *Land Information Authority Regulations 2007*
- *Australian Standards AS/NZS 4819:2011 Rural and Urban addressing*

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the proposed road names other than the costs associated with any advertisements and public consultation.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are not considered to be strategic, risk or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

This proposal is in accordance with Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could select alternate road names from the City's approved schedule of names for assets for the Carawatha redevelopment project.

[3828 City of Melville Schedule of Names for Assets](#)

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)**CONCLUSION**

The purpose of this report is to seek the Council's endorsement of the proposed road names for the roads to be created at the Carawatha Redevelopment Project "Gallery" and Council's approval to initiate public consultation on the proposal in accordance with CP - 096. The proposed names meet the requirements of the Council Policy and Landgate's Geographical Naming Committee Policies and Standards. If following public advertising and review of submissions, Council resolves to endorse this proposal, the City will refer the details of the proposal, any submissions received and the minutes of the applicable Council meeting to Landgate for consideration and final approval of the GNC.

OFFICER RECOMMENDATION (3828)**APPROVAL**

At 8:17pm Cr Robartson moved, seconded Cr Robins –

That the Council

- 1. Endorses the following proposed road names for the roads to be created at the Carawatha Redevelopment Project "Gallery"**
 - (a) Sumpton Loop**
 - (b) Utting Lane;**
- 2. Approves the public consultation and advertising of the proposed road names for the roads to be created at the Carawatha Redevelopment Project "Gallery" in accordance with CP – 096; and**
- 3. Notes that on completion of public consultation a report on any submissions received will be presented to the next available Council meeting.**

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)

Procedural Motion

COUNCIL RESOLUTION

At 8:31pm Cr Kepert moved, seconded Cr Pazolli –

That the motion be put

At 8:31pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

At 8:26pm the Mayor left the meeting and vacated the Chair.

At 8:26pm Cr Pazolli assumed the Chair.

At 8:27pm the Mayor returned to the meeting and assumed the Chair.

P19/3828 - NAMING OF NEW ROADS AT THE CARAWATHA REDEVELOPMENT PROJECT ("GALLERY"), 10 ARCHIBALD STREET, WILLAGEE (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3828)

APPROVAL

At 8:17pm Cr Robartson moved, seconded Cr Robins –

That the Council

- 3. Endorses the following proposed road names for the roads to be created at the Carawatha Redevelopment Project "Gallery"**
 - (a) Sumpton Loop**
 - (b) Utting Lane;**
- 4. Approves the public consultation and advertising of the proposed road names for the roads to be created at the Carawatha Redevelopment Project "Gallery" in accordance with CP – 096; and**
- 3. Notes that on completion of public consultation a report on any submissions received will be presented to the next available Council meeting.**

At 8:32pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

Ward : Bicton - Attadale – Alfred Cove
 Category : Operational
 Subject Index : Petitions & Multi-signed Letters
 Customer Index : Mr Richard Eaves
 Disclosure of any Interest : No Officer involved in the preparation of this report has a
 : declarable interest in this matter.
 Previous Items : N/A
 Works Programme : 2019-2020
 Funding : \$150,289
 Responsible Officer : Kimberly Brosztl
 : Manager Engineering

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>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- The need for a footpath connecting Point Walter Road to the Bicton foreshore has been pursued on numerous occasions over the last decade or more, with opposition from local residents along Beach Street resulting in the City not pursuing path construction.
- The City is seeking to construct a path along Beach Street to provide safe access to the foreshore and river for residents in Bicton, noting that the residential catchment for people using this path extends well beyond the Beach Street residents directly affected.
- Work has been halted to allow a report to be presented to Council as a result of two petitions from residents along the street.
- One petition against the path with two speakers, one against the path for various reasons covered below and one addressing the consultation process.
- Council resolved at its 17 September 2019 Ordinary Council Meeting that a report be prepared. Subsequently, an additional petition from 44 residents against the path was received by the City, noting that no reasons were given for the opposition.
- The City has reviewed the proposed construction of the path and found that:
 - With respect to the two petitions - the increase in safety and lifestyle amenity for all residents of the City (especially those in wider Bicton area) outweighs the objections raised by the residents of Beach Street.
 - During the improved consultation process introduced for 2019-2020, the reasons submitted by Beach Street residents in opposition of constructing a path did not justify rejection of path construction and can be adequately managed as part of the City's standard path construction protocols regarding the safety and lifestyle considerations.
 - The reasons given during consultation for constructing a path along the north side of Beach Street are not sufficient to alter the design as those reasons given do not take into account connections with existing path networks and other complicating factors and design considerations such as slope, road safety and the need for retaining walls along some sections in the northern path alignment.
- The recommendation of this report is to note the two petitions, however due to the factors outlined in the report to proceed with construction of the path on the southern side of Beach Street.

BACKGROUND

In 2018, the City had planned to upgrade the stormwater drainage in the vicinity of Beach Street and renew the road surface. The drainage works were completed in 2018, however it was noted that it was proposed to construct a pathway in 2019 and there would be efficiencies in combining the road resurfacing and footpath construction projects into one program. It was decided to delay the road renewal project until 2019 and merge with the proposed path construction as this would also minimise disruption to residents. For example, changes to kerbing would affect both the road and path projects. The path construction was accepted as part of the 2019-2020 works program and, in mid-2019, a path concept design was prepared and community consultation initiated as part of the City's improved resident engagement process.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

There have been a number of attempts since 2002 to build a path along Beach Street. The rationale for the proposed construction of the path on Beach Street is that this alignment is the most feasible and logical access point between Point Walter Road and the river. The path would also enable Bicton residents from the surrounding area to access the foreshore without traversing on the road. Previous attempts were rejected by residents on Beach Street for reasons similar to those listed below. As far as the City can determine, the previous consultation attempts only included the Beach Street residents directly affected by the path construction and did not seek feedback from the wider Bicton community who would be likely to use and benefit from the path.

Regardless of the outcome of this latest attempt to construct a path on Beach Street, the need for the path will continue to be a priority for this area over time, as it is the logical access point for residents and other users living further away and those seeking to safely access the foreshore.

Beach Street is the natural focus for residents living east of Point Walter Road and those living on other roads west of Point Walter Road (e.g. Thurloe Road, Cavan Street, Malsbury Street) that do not have access to the foreshore and rely upon Beach Street for this access. In addition, Beach Street has the easiest gradient of all the four roads that connect Point Walter Road to Blackwall Reach Road such as Braunton Street, Crewe Street and Kent Street. See the attached plan in [3826 Attachment 3 Overall Area Map](#).

DETAIL

All local governments across Australia construct and maintain paths for their community. Paths allow safe, easily accessible, inclusive routes for commuter and other residents to partake in physical activity and while enhancing the liveability of the City. Paths are important in keeping pedestrian safe and improving amenity because:

- Pedestrians form the largest single road-user group.
- In 2010, pedestrians formed 13% of fatalities on roads in the Perth metropolitan region.
- Pedestrian fatalities are comprised disproportionately of the very young and the elderly.
- Two out of three people over 75 have a disability and the prevalence of disability will increase further with the ageing of the Australian population.
- Paths increase community amenity through encouraging more people on the streets to access areas through designated routes.

Path construction is supported by the State Government, including the Department of Transport and Main Roads WA and the WA Planning Commission, the latter via references within the Liveable Neighbourhoods document. With more than 30% of roads in the City lacking a path, the City has an active path construction program that targets areas on most need through an objective scoring and ranking process against relevant criteria.

Every survey and consultation undertaken by the City has indicated that the community want to be safe when walking along roads with the ability to connect to places such as shops and parks as part of a healthy lifestyle.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

The construction of a path on Beach Street is an example of a circumstance where the greater needs of the City's wider community and their aspirations may need to override the interests of a group of residents. On this basis, it is considered that the construction of the path which may directly affect a small number of residents should take into account the wider benefits for other residents and users that will use this path and the connecting network of paths.

The City has plans and strategies in place to build paths down most streets across the City, however this is a longer term strategy that will take decades to complete as part of a responsible and planned asset management program.

Each year the City constructs between 4 and 5 kilometres of paths (generally 5 to 15 path projects, depending on cost) at various locations across the City at a cost of around \$690,000. The City rarely has issues with residents opposing a path as the large majority of residents support paths as an important community asset that they can use and enjoy. Where issues have been raised in the past regarding path construction, the most common issues relate to concerns over damage to irrigation, verge treatments and cross-over changes. In all of these circumstances, the City reinstates these aspects satisfactorily.

The proposed path along Beach Street will be built in concrete and will be 1.8 metres wide from the back of the kerb. The path will be built on the southern side of Beach Street as this is the most appropriate side for the path construction due to a number of technical and financial factors including:

- Grade and levels that avoid the need to construct retaining walls
- More shade and amenity provided by existing street trees
- Less interference with existing streetlight poles and inadequate setbacks from edge of path to the pole
- Lower number of crossovers/driveways impacted, therefore fewer disturbances to resident properties west of Point Walter Road.

A path along the southern side also provides the following user and access advantages:

- Better connectivity to existing and future path construction
- A logical point of access for people heading from/to the river from local streets and the wider Bicton area
- Less grade and therefore greater accessibility compared to the northern side

The path will be built as far as practicable to meet Council Policy and the City's Guidelines and Specifications, which have been developed in accordance with Australian Standards, Department of Transport and WALGA Guidelines.

The City recognises that residents put significant effort into their verges, which contributes positively to visual amenity and the general appearance of the street, and the City will do its best to minimise any disruption or changes. If reticulation is affected, then it will be repaired or modified as required. The City will also attempt to relocate significant existing vegetation outside the path area after discussion with the relevant resident.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

As part of the City's drive to improve consultation, a new process was used in the 2019-2020 financial year to consult with residents. Previously, the City informed residents when construction works were about to commence and measures proposed to minimise disruption and inconvenience. This communication was undertaken through written correspondence and provided an opportunity for the resident to raise any issues regarding the path construction works.

As the Strategic Community Plan had identified aspirations for residents in the City to have paths to support increased connectivity and accessibility, the City has put in place an improved consultation process as outlined in Council Policy CP-002 Stakeholder Engagement.

This new and improved process was used for consultation on Beach Street path, and a number of other path construction projects this year, and involved a three stage consultation process including:

- an initial letter advising of proposed path construction and a copy of the design for comment.
- responses from the City back to residents regarding any feedback received on the path design and construction.
- a standard letter advising of the path construction as previously undertaken.

The results from the improved consultation process for path design and construction has been generally well received by residents consulted during 2019-2020, with the exception of Beach Street that involved a concerted effort from residents in opposing the path. The results of negative responses for the five paths in the 2019-2020 program are outlined below.

Path	Negative Resident Responses
Beach Street, Bicton	47
Conon Road, Applecross	3
Lamond Street, Melville	0
Pitt Way, Booragoon	0
Theakston Green, Leeming	0

It is clear from the above that the negative feedback on the Beach Street path construction is not representative of other path construction projects undertaken across the City using the improved consultation process. Based on the above responses, the majority of residents are generally happy with the level of consultation and the balance between communication and planned works.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

It is relevant to note that information requested by a small number of Beach Street residents was significantly more demanding than previously experienced and sought information that was not available at the time such as detailed designs and costings. There was also an unrealistic expectation on the extent of consultation that the City should apply in regard to path construction projects as this would create significant demands on officer time and drastically impact on the path works program should this level of consultation be applied to all path projects.

The letter in [3826 Attachment 1 Consultation Letter](#) with the plan in [3826 Attachment 2 Path Construction Plan](#) was posted to all of the residents and owners along both sides of Beach Street on the 19 July 2019. A response was requested by the 2 August 2019, noting that residents were given until the 6 August 2019 to allow people time to respond given the elevated level of interest. This letter explained why the City had chosen the path to be built, why construction on the south side was the best option, provided a Concept Plan for how the path alignment would look and asked for comments.

All feedback received by the City on the Concept Plan was assessed and responded to (see below for a detailed list of feedback received about the Beach Street path). All suggestions and changes were considered for the next phase of the path project being detailed path design.

During the detailed design phase, the City will alter the plans as required, undertake a detailed assessment of levels and determine the extent of any cross-over reconstruction and other factors as required. During this process, there may be further discussions with individual residents about issues raised. A number of onsite meetings between staff and residents did take place in relation to the Beach Street path project. The deliverable from the detailed design process is a plan that can be provided to the contractor for construction purposes.

Two weeks before construction commences, a letter is usually sent to all residents advising of the details of works, including any disruption that may occur.

The responses received during or after the consultation process for the Beach Street path consisted of:

- 12 responses received during the consultation period, seven were broadly in favour of the path and five broadly against the path.
- 47 responses received via two petitions and three later requests to be added to the petition after the consultation period. All of these responses were against the construction of the path and included people who had previously provided responses.

Each of the 12 responses received during the consultation period were assessed and responded to through a project team. The two petitions from Beach Street residents did not provide reasons in opposition to the path, however during deputations provided during the 17 September 2019 Council meeting two residents provided further detail on the issues previously raised during consultation and the consultation process itself.

The consultation process only targeted the residents of the street as is the usual practice, but and did not canvas residents in the local community that would most likely support and use the path. A number of Bicton residents in the local area have expressed support for the path and were frustrated by the lack of progress created by the petitions.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

The path along Beach Street is expected to be used by many more people than the residents of Beach Street itself. As there are no other paths linking the residents of Bicton to the foreshore between Point Walter Park and Bicton Baths, this path is expected to be available to over 200 local people living on Milne Street, Clive Street, Beach Street, Coldwells Street, Pembroke Street, Cavan Street and Malsbury Street as well as many more residents living outside of these streets.

Post consultation petitions

- A multi-signature letter was received in August 2019 and responded to by noting that the path would be going ahead.
- A petition was received on the 31 August 2019 (which included the same group as the multi-signature letter) was signed by nine people who represent six properties of the 49 letters dropped. Two deputations were received at the 17 September 2019 Council meeting, both outlining various objections to the path as outlined above.
- A second petition was received on the 26 September 2019 and had 44 signatures (three people later asked that their names be added to the petition).

Comments received

An assessment of the comments received was undertaken by City officers under the following key areas:

- Accessibility
- Amenity
- Crossover disruption
- Consultation
- Design
- Environmental
- Lighting
- Parking
- Safety
- Stormwater runoff
- Alternative Routes

Accessibility: Due to the topography of the area, it is not always practicably possible to construct a path that complies with all the recommended grades for accessibility. Where this is not possible, the City will build a path in a location that best meets the needs of as many users as practical and is most accessible. Out of the four roads leading from Point Walter Road to Blackwall Reach Parade, Beach Street has the shallowest gradient. This means that it will be the easiest for people to walk along and the easiest for people with disabilities to access and use.

Visual amenity: The visual amenity needs to be balance with the need to create a safe connection to the foreshore, as well as the landscape and surrounds of the streetscape. A path along this section of Beach Street is not considered to create adverse visual amenity impacts and will enhance safe access and use by pedestrians

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

Crossover disruption: Residents were concerned regarding the disruption to their existing crossovers, particularly if they were constructed of materials other than concrete. The City's Crossover Standard drawings, which are available on the website and are referred to in all crossover approvals, note that the City may need to replace a crossover (as part of future works).

The current best practice guidelines state that the path will continue through crossovers maintaining cross fall and material in preference to the crossover construction. Crossovers are defined to be 'Road-Related Areas' under the Road Traffic Code 2000. Pedestrians and cyclists in these areas have priority over vehicles. For this reason, pedestrian infrastructure should be provided in a continuous manner across all residential driveways, maintaining path cross fall and consistent material (colour, texture, slip resistance).

Where crossovers need to be adjusted to meet standard cross falls, the City will endeavour to match the existing material, noting that the path section going through the crossover is required to be constructed in concrete in order to meet the City's Guidelines and Standards. The detailed design will identify any possible crossover changes if needed. Recent new path projects on Gunbower Road in Mount Pleasant and Fraser Road in Applecross have been installed in this manner. The City will replace any sections of crossover/driveway that need to be removed to ensure appropriate levels and match colour and materials as far as practicable.

Consultation: Previous consultations for path projects have invoked varying responses ranging from strong support to strong opposition. Evidence of past consultations show that the majority of residents have no comments on path construction and recognise that this infrastructure is an important community asset. While the City is interested in alternative proposals, in the majority of instances the alignment selected is preferable for a range of reasons including safety, connectivity, accessibility, cost and amenity. In most cases, there is limited scope to provide alternatives that represent the fit for purpose and value for money other than the alignment selected, particularly when connecting to existing path networks or providing the most direct route between areas of interest.

Design: One response stated that the City should build the path on the north side of Beach Street as the preferred design forced people to deviate from the natural path across the intersection. An assessment by officers concluded that the safest and shortest route for the path is actually on the south side and is safer in negotiating road traffic.

Environmental: The City acknowledges there will be an increase in the area of concrete as a result of the path, however this needs to be balanced by the increase in safety, accessibility and connectivity. The City is able to plant additional verge trees free of charge to residents to increase amenity and shade.

Lighting: It was noted that the lighting on the north side was better, however the light levels on the south side are still adequate and meet required standards.

Parking: Verge parking will no longer be possible on some parts of the verge due to the path construction however; street parking is still available down the entire length of Beach Street as this is a commonly accepted form of parking across the City. The City will monitor the situation and respond to any parking issues that may create safety hazards.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

Safety: There was a request to install traffic calming on the road rather than a path. Even with the installation of traffic calming, a separate path is the safest option for our most vulnerable road user, the pedestrian.

Stormwater runoff: There was concern that a concrete path would increase the amount of run off into properties. To counter this, the current standard requires a cross fall towards the road, which is managed through the City's stormwater management system.

Changes made as a result of comments received;

- As residents were concerned about the path cutting through their crossovers, the City will construct any part of the crossover affected by the changes in levels, in a similar material to the existing crossover.
- Where the crossover levels/gradients are affected, the City will alter the design to comply with standards.
- Where a verge is affected by the design, the City will regrade the verge to avoid trip hazards.
- The City is examining the need for traffic calming in the area.
- The City will monitor parking issues identified along the street.

The comments received by residents were reviewed and it was noted that none of the responses justified a major change to the Concept Design and that the southern side of Beach Street is still the best location for the much needed path. The detailed design stage of the project was commenced with construction planned this financial year. The detailed design will include an examination of every crossover affected by the path and will show the works required to tie into the existing crossover.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies or consultants has occurred.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications. None of the issues raised address any statutory or legal issues.

FINANCIAL IMPLICATIONS

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

This amount includes a provisional sum for crossover replacement works and verge regrading. The full extent of these works was not known when the budget was prepared.

As at 26 September 2019, \$7,830 has been spent on design and surveys. This does not include some 60 hours of staff time to deal with the level of consultation undertaken in response to issues raised by residents.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
If the path is not constructed, people travelling along the road will have a higher level of risk of injury or death than users of a path.	Possible likelihood with Moderate consequences which are likely, resulting in a Medium level of risk.	Construct the path.
Construction of the path will increase the runoff along the verge.	Possible likelihood with Moderate consequences which are likely, resulting in a Medium level of risk.	The current design provides for gradients and mitigates risk.
Construction of the path will reduce the visual amenity of the street.	Possible likelihood with Minor consequences which are likely, resulting in a Medium level of risk.	Engage with the residents to reduce the impact of the changes in levels through crossovers and plant additional street trees to increase amenity and shade.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

- Do not build the path. This has been the result of previous opposition expressed by the residents in the past and will not enable pedestrians to use a safe access path to the river. Poor connectivity and continued requests from the community to build the path.
- Construct a path down the northern side of Beach Street. Residents have already stated that they are against any path and a preliminary estimate showed that this is likely to be more expensive and less effective than the southern side chosen.
- Construct a path down one of the other streets leading to the foreshore. While the City's plans are to construct a path down all streets in the City over time, the other streets leading to the foreshore have much higher gradients and will be more difficult for user to travel on. It is also possible that some residents of the other streets will oppose a path on their street and disregard the wider community benefits that such a path would provide.
- Build a path providing access to the river through Point Walter Reserve instead. This would require path users to make a detour of about 700m to avoid Beach Street and the construction of a path through the bushland of Point Walter Reserve. This was rejected as a path cannot be constructed through land set aside as 'Bush Forever' and the proposed change would also require users to make a significant deviation from their journey.

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)**CONCLUSION**

The City has undertaken an improved consultation process to engage with residents as part of its Stakeholder Engagement Strategy. The issues raised in the position to the path have been assessed and responded to, noting the wider community benefits associated with a path in this location. The majority of residents that are opposed to the path in the petition did not provide any reasons other than that they wanted things to stay as they are. The reasons that were provided in other responses have been considered and do not justify rejecting the construction of the path.

The provision of safe connectivity through paths is one of the fundamental outcomes that Councils provide for its residents and addresses the needs of all residents and visitors, not just those living on the streets, to enjoy accessible paths that connect areas of interest.

OFFICER RECOMMENDATION (3826)**APPROVAL**

At 8:34pm Cr Wheatland moved, seconded Cr Woodall–

That the Council:

- 1. Notes the two petitions received.**
- 2. Instructs the Chief Executive Officer to proceed with construction of the path along the southern side of Beach Street.**
- 3. Notify the petitioners of the outcome of the Council decision.**

Amendment**COUNCIL RESOLUTION**

At 8:37pm Cr Robins moved, seconded Cr Pazolli –

That the following words be included at the end of part 2 of the Officer's Recommendation:

“ensuring that all crossovers are maintained and that the footpath is constructed either side of crossovers, so as to, where possible, not require the removal of crossovers. In the event of a substandard or unapproved crossover, the City is to discuss removal of the crossover with the property owner, with the issue to come back to Council for a decision if the issue cannot be resolved.”

At 8:54pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

Vote Result Summary	
Yes	10
No	3

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

Reasons for the amendment as provided by Cr Robins

1. Safety, accessibility and amenity
2. Best location, south side connects the footpath east of Beach Street
3. Compromise for residents in the area.
4. Examples elsewhere in the City.

Substantive Motion As Amended

COUNCIL RESOLUTION

At 8:34pm Cr Wheatland moved, seconded Cr Woodall–

That the Council:

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

At 9:27pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

T19/3826 – PETITION – BEACH STREET FOOTPATH CONSTRUCTION (REC)
(ATTACHMENT)

Vote Result Summary	
Yes	8
No	5

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

At 8:45pm Cr Woodall left the meeting and returned at 8:48pm.
At 8:58pm Mr Tieleman left the meeting and returned at 9:01pm.
At 8:59pm Cr Pazolli left the meeting and returned at 9:01pm.
At 9:20pm Ms Young left the Chambers and did not return.

At 9:28pm the Mayor adjourned the meeting.
 At 9:40pm the Mayor resumed the meeting.

Cr Mair did not return to the meeting at this time.

At 9:41pm the Mayor brought forward Late Item M19/5721 – Governance Committee – Chief Executive Officer Performance Review Process.

LATE ITEM M19/5721 – GOVERNANCE COMMITTEE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Personnel file
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item C18/5655 - Chief Executive Officer Recruitment - Special Meeting of Council 12 November 2018
 M19/5711 - Chief Executive Officer Performance Review 4 November 2019 Special Meeting of Council.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive 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 M19/5721 – GOVERNANCE COMMITTEE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW PROCESS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In accordance with Council resolution (Item C18/5655 – Chief Executive Officer Recruitment - Special Meeting of Council 12 November 2018) a five year contract with the Chief Executive Officer (CEO) was entered into which became effective from the 20th of November 2018.
- In keeping with the requirements of the *Local Government Act 1995* the CEO's contract contains a requirement for an annual review, and there are elements of the employment contract which specify some elements that must occur. A confidential attachment of the employment contract has been provided.
- The annual CEO performance review process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee. The Governance Committee has been determined by Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO's performance, future expectations performance criteria, performance development plan and review the salary package, for recommendation to the Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item, which incorporates a proposed performance survey by elected members.
- This report was presented to the Special Meeting of Council held 4 November 2019, with Council resolving to refer the matter to the Governance Committee for consideration.
- The Governance Committee considered the CEO performance review process at its meeting held 18 November 2019.
- This report seeks Council endorsement of the process recommended by the Governance Committee.

BACKGROUND

On 20 November 2018 Marten Tieleman commenced in the role of Chief Executive Officer at the City of Melville. A five year contract, which is provided as a confidential attachment was finalised with the Chief Executive Officer, which defined the performance criteria for the role.

Clause 7 of the CEO contract details that there needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

This matter was presented to a Special Meeting of Council held 4 November 2019, with the Council resolving as follows:

"That Item M19/5711 – Chief Executive Officer Performance Review be referred to the Governance Committee for consideration and recommendation back to the Council."

**LATE ITEM M19/5721 – GOVERNANCE COMMITTEE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW PROCESS (REC) (ATTACHMENT)****DETAIL**

The Governance Committee met on Monday 18 November 2019 to consider the Chief Executive Officer Performance Review Process.

The Council has not delegated to the Governance Committee all the powers, functions and duties necessary to make decisions, which includes the ability to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer. Meetings of the Committee are not decision making forums and as such are not open to the member of the public.

Ultimately the overall process is the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee, and is supported administratively by the Executive Manager Organisational Development, who acts under the Mayor's guidance.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

There are no public consultation/communication aspects relating to this item.

II. OTHER AGENCIES / CONSULTANTS

There has been no consultation for the 2019 performance review process with any other agencies/consultants at this stage, although there will be future involvement with respect to appointment of a Performance Review Consultant as identified in the proposed process of the CEO review.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.16(1) of the *Local Government Act 1995*, states that "*Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation*" Absolute Majority required.

Section 5.38 of the *Local Government Act 1995* states the requirement to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.39 (7) of the *Local Government Act 1995* states that a CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal..

Section 5.23 (2)(a) of the *Local Government Act 1995* states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

**LATE ITEM M19/5721 – GOVERNANCE COMMITTEE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW PROCESS (REC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

The estimated cost of engaging a Performance Review Consultant, who acts as a facilitator to assist with the Performance Review process, is provided for within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined and agreed	Low	Defined process that includes this stage

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option to the past practice is that in accordance with section 5.16 of the *Local Government Act 1995*, the Council delegates to the Governance Committee all the powers, functions and duties necessary to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer.

The current practice is that the Governance Committee review the short list of Consultants in conjunction with the Executive Manager Organisational Development who has the administrative responsibility to select and appoint the preferred Consultant.

CONCLUSION

The CEO performance review process provides feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarifies future expectations, which are to be reflected in the performance criteria of the Chief Executive Officer's Contract and the Performance Development Plan.

An outcome of the process is a resolution by the Council in relation to the Performance Criteria, Performance Development Plan and Salary Review for the Chief Executive Officer.

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5711) APPROVAL

At 9:41pm Cr Kepert moved, seconded Cr Robartson –

That the Council approves the process for the Chief Executive Officer Performance Review as provided by the Mayor and amended by the Governance Committee - [CEO Performance Review Process](#)

At 9:41pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 9:42pm Ms Johnson left the meeting and did not return

Disclosures of Interest

Member	Cr Mair
Type of Interest	Indirect Financial Interest
Nature of Interest	Potential Director of a company that owns property in the CBACP area
Request	Leave
Decision	Leave

Member	Cr Barton
Type of Interest	Interest Under the Code
Nature of Interest	A relative has a property in Forbes Road
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)**

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Various
Proposal	: Amendment to Canning Bridge Activity Centre Plan to introduce limits to bonus height
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P19/3829 – Request for Amendment to Canning Bridge Activity Centre Plan Special Meeting of Council held 29 October 2019
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)**

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>

KEY ISSUES / SUMMARY

- A the Special meeting of Council held 29 October 2019 the Council resolved to initiate an amendment to Element 22.1.10 the Canning Bridge Activity Centre Plan (CBACP).
- The proposed amendment to the CBACP is intended to clarify that recognition of a community benefit described under Element 22.1.10 would only apply where a property is directly along Canning Highway.
- The process for the amendment to CBACP to be considered and determined is likely to take a number of months. At the Meeting Council resolved to direct the CEO to prepare a Local Planning Policy (LPP) that clarifies that Element 22.1.10 of the CBACP only applies to developments adjoining Canning Highway.
- Prior to consideration for adoption a proposed LPP will require public advertising, consideration of any submissions and a final decision by Council.

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)****BACKGROUND**

At the Special Meeting of Council held 29 October 2019, Council resolved to initiate an amendment to CBACP, which would involve amending Element 22.1.10 as follows:

22.1.10 Where the development is adjoining Canning Highway only and where road widening is required; the applicant proposes to cede land free of charge to the State of Western Australia for the purposes of road widening. In such case, the area ceded will be included in the total area calculations for the purpose of Clause 2.2 and 2.3 and/or Clause 21.2 and 21.3.

The amendment will now be advertised for public comment. At the conclusion of the comment period the Council will consider any submissions received and make a decision with regard to progress of the amendment. If supported, the amendment would ultimately be forwarded to the Western Australian Planning Commission for determination.

Report P19/3829 noted the opportunity for Council to consider a Local Planning Policy (LPP) to reiterate the content of the above amendment to the CBACP. The approval process for a LPP is likely to be of less duration than the CBACP amendment and would enable a more prompt implementation of the clarification intended by the amendment.

It is noted that instruments in the local planning framework operate within a hierarchy relating to their level of statutory influence. An Activity Centre Plan such as the CBACP would represent a higher order document compared to a LPP. In these circumstances a LPP is able to provide additional clarification or guidance on a planning matter but needs to maintain consistency with the higher order document being the CBACP.

An LPP seeking to clarify the interpretation that Element 22.1.10 of the CBACP applies only to sites adjoining Canning Highway is considered likely to be within the parameters able to be covered by a LPP. Inclusion of content within a LPP that is beyond simple clarification or guidance and may present a conflict with the CBACP would fall outside of what may be covered by a LPP.

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)****DETAIL**

A LPP has been prepared reiterating the content of the proposed amendment to CBACP initiated by Council on 29 October 2019.

3830 Attachment Draft LPP 1.19.

If approved, the LPP would clarify that the community benefit option under Element 22.1.10 (to provide and cede identified road widening land) would apply only to sites adjoining Canning Highway.

As outlined in report P19/3829 and discussed at the Special Council meeting on 29 October 2019, the proposed amendment and associated proposed LPP, do not impact site area calculations.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The Planning and Development (Local Planning Schemes) Regulations 2015 require a proposed LPP to be advertised in a local newspaper for a minimum of 21 days. The City would also invite comment on the LPP via its website.

II. OTHER AGENCIES / CONSULTANTS

Department of Planning Land and Heritage would be informed of the proposed LPP. Other agency engagement is not required.

STATUTORY AND LEGAL IMPLICATIONS

The City is required to advise the WAPC if it is of the opinion that a LPP is inconsistent with any State Planning Policy. It is not considered that the draft LPP proposed in this report is inconsistent with any State Planning Policy.

As outlined above the role of a LPP is limited to providing clarification or guidance on strategic or operational planning matters. The Planning and Development (Local Planning Schemes) Regulations 2015 also note the need for a LPP to be based on sound town planning principles.

FINANCIAL IMPLICATIONS

There is not considered to be financial implications associated with this proposal other than the costs associated with advertising of the LPP.

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

"Urban development creates changes in amenity (positive and negative) which are not well understood".

Under Priority 3 from the Corporate Business Plan key strategies are:

1. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
2. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Lack of support for proposed amendment to CBACP may result in proposed LPP becoming inconsistent with the CBACP and therefore having no effect.	Minor consequences which are possible, resulting in a Medium level of risk	The WAPC decision on the associated CBACP amendment will be monitored. If progress of the CBACP amendment renders the LPP inconsistent with the CBACP then amendment/rescission of the LPP may be required.

POLICY IMPLICATIONS

This report responds to the Council resolution at the Special Council Meeting held on 29 October 2019 requesting the preparation of a LPP.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may choose not to proceed with the proposed LPP. Under this option a level of clarification on the interpretation of Element 22.1.10 would not be provided until the determination of the associated amendment to the CBACP.

Council may seek to modify the content of the LPP. In these circumstances any changes would need to be considered to ensure that they are based on sound town planning principles and remain consistent with the higher order planning instrument, the CBACP.

**P19/3830 – LOCAL PLANNING POLICY – CANNING BRIDGE ACTIVITY CENTRE PLAN
– COMMUNITY BENEFITS FOR CEDING OF ROAD WIDENING (REC) (ATTACHMENT)****CONCLUSION**

It is recommended that proposed LPP 1.19 Canning Bridge Activity Centre Plan – Community Benefit for Ceding of Road Widening Land - be endorsed by Council for advertising.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3830)**APPROVAL**

At 9:42pm Cr Pazolli moved, seconded Cr Sandford –

That the Council:

Pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.19 Canning Bridge Activity Centre Plan – Community Benefit for Ceding of Road Widening Land, for the purposes of public advertising for a period of not less than 21 calendar days.

At 9:45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : BMS – Council Policies
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T17/3769 – Technical Services Policy Review
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Mick McCarthy
 Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Technical Services have been reviewed and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of the Council whereas Operational Policies are approved by the Chief Executive Officer.
- It is recommended that the ten policies reviewed by the Director Technical Services be approved.

BACKGROUND

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

The Policies presented in this report have been reviewed by staff with significant and minor changes undertaken to reflect updated information, standards or changes in legislation.

DETAIL

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by Council relate to:

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

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

Management of the day to day operations of the local government:

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

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

[CP 001 Citizenship Ceremonies Policy](#)

[CP 029 Tree Policy](#)

[CP 031 Asset Management Policy](#)

[CP 033 Path Policy](#)

[CP 034 Road Safety Audit Policy](#)

[CP 035 School Parking Policy](#)

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

[CP 036 Waste Minimisation Policy](#)
[CP 086 Verge Treatment Policy](#)
[CP 102 Urban Forest and Green Spaces Policy](#)
[CP 110 Crossover Policy](#)

Changes in the Policies are outlined below:

CP-001 – Citizenship Ceremonies Policy

No changes to this Policy.

CP-029 – Tree Policy

A number of minor changes to the wording and formatting of the Policy were made to improve clarity and readability. In particular, information that was previously included in the Policy was removed as it is referenced in Australian Standard 4970 or advice notes.

To provide improved clarity when requests are received by property owners who are willing to install a street tree at their own cost, the following has been added:

2.1 Authorised Tree Planting

If appropriate residents may be able to plant a tree on their adjacent verge if written approval is received from the City prior to any works or ordering being undertaken.

If approval is given to a resident to plant on City land, it is on the understanding that:

- *The City shall approve the species and location;*
- *The tree shall be planted in alignment with the requirements provided by the City;*
- *Any tree planted shall become a City asset and managed accordingly.*

The following dot point has been added to 3.3 Tree Removal where a tree will be considered for removal if the tree is:

“Not in keeping with the overall streetscape aesthetics as determined by the City.”

CP-086 – Verge Treatment Policy

A number of minor changes to the wording and formatting of the Policy were made to improve clarity and readability.

The major change to note is in the previous Policy it was stated that;

“Where there is no footpath, ensure a pedestrian has safe and clear access immediately adjacent to the road.”

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

This will now read:

“Where there is no footpath, ensure a pedestrian has safe and clear access immediately adjacent to the road. The City has a preference for this space to be 2 metres wide, however the allowance for this space may be less than 2 metres wide can be determined at the City’s discretion.”

A new addition to the Policy is Section 5.1 Activity Centres/Precincts which reads;

“To allow for the urban form to be renewed consistently, the City has several designated areas known as Activity Centres or Precincts as determined in the Local Planning Scheme. Designs for these areas shall be submitted for approval to the City to meet the guidelines/ masterplans/ or visions for verges and streetscapes within these areas.”

CP-031 – Asset Management Policy

Minor editorial changes to the policy, including clarifying the definition of Renewal to include replacement with modern materials as per Accounting Standards.

CP-110 –Crossover Policy

The previous combined Crossover and Path Policy has been split into a separate Crossover Policy and a separate Path Policy.

A new addition is a reference to the City’s Crossover Guidelines and Specifications:

All crossovers shall be constructed to the City’s Guidelines and Specifications for Crossovers. Crossover construction, renewal and maintenance shall be in accordance with the City’s Guidelines and Specifications where practical. Where it is not practical, the City may approve a non-standard crossover. Where this occurs, the City shall document its reasons.

There are new references that address common questions related to crossover construction and maintenance:

Crossover renewal and maintenance is the responsibility of the property owner.

The visual and physical continuity of any new and/or existing path shall be maintained (or reinstated) through the crossover as per the City’s Guidelines and Specifications for Crossovers.

If a crossover is redundant, it shall be removed at owners cost.

The compliance of crossovers shall be determined by the crossover policy in place at the time of construction.

CP-033 – Path Policy

The previous combined Crossover and Path policy has been split into a separate Crossover Policy and a separate Path Policy.

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

The language covering the intersection of paths and crossovers has been aligned:

The path shall be continued (or reinstated) through the crossover as per the City's Crossover Guidelines and Specifications. All path users shall have priority over vehicles on crossovers.

A number of path detailed specifications have been moved to the Path Guidelines and Specifications document including the priority ranking scheme and the capital works program:

Path construction, renewal and maintenance shall be in accordance with the City's Path Guidelines and Specifications where practical. Where it is not practical, the City may construct, renew or maintain a non-standard path. Where this occurs, the City shall document its reasons.

CP-034 – Road Safety Audit Policy

Minor edit to update reference to Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6a: Implementing Road Safety Audits.

CP-035 – School Parking Policy

Very minor edit to improve readability.

CP-036 – Waste Minimisation Policy

Updated to reflect the 3-bin FOGO waste management system and the State Government's Waste Avoidance and Resource Recovery Strategy 2030 document.

CP-102 - Urban Forest and Green Spaces Policy

There are no changes to this Policy.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not Applicable

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

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

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

Should the Council resolve to adopt the policies as presented within this report, then these will replace the previous policies.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternative options presented as part of this report.

CONCLUSION

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

T19/3827 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3827)****APPROVAL**

That the Council approves the ten policies as reviewed by the Director Technical Services and as contained in the following attachments:

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

*At 9:48pm Mr Taylor left the meeting and returned at 9:48pm.
At 9:48pm Cr Mair entered the meeting.*

Procedural Motion**COUNCIL RESOLUTION**

At 9:46pm Cr Barton moved, seconded Cr Fitzgerald –

That Item T19/3827 – Technical Services Policy Review be deferred for discussion at a future Elected Member Information Session and report back to the March 2020 Ordinary Meeting of Council

At 9:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

M19/5710 - COUNCIL MEETING SCHEDULE 2020 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Schedule of Meetings
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	:	M17/5589 – Council Meeting Cycle – December 2017 Ordinary Meeting of Council M18/5656 Council Meeting Schedule 2019 – December 2018 Ordinary Meeting of Council
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION
DEFINITION

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

M19/5710 - COUNCIL MEETING SCHEDULE 2020 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report advises of the monthly Ordinary Meetings of Council cycle and Schedule of meeting dates to commence in February 2020.
- The Council is required to determine and advertise the meeting dates for Ordinary Meetings of Council each year.
- The report recommends adoption of the proposed meeting Schedule and authorises the advertising of the dates of the Ordinary Meetings of Council for 2020.

BACKGROUND

The Council Meeting Cycle was reviewed in May 2017 where it was resolved to continue a monthly meeting cycle consisting of:

- First Tuesday – Agenda Briefing Forum
- Second Tuesday – Elected Member Information Session
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday Elected Member Information Session

This meeting cycle applies to each month, with the exception of January when the Council is in recess and December when meetings are brought forward to allow for the Council resolutions to be addressed in time to accommodate for the festive period.

It has also been previously resolved that the Ordinary Meeting of Council and the Council Agenda Briefing Forums would be rescheduled in October of each Local Government Election year. The rescheduling of the October meetings allows the meeting cycle to be completed prior to the commencement of the term of newly Elected Members. There is no Local Government Election scheduled for 2020.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public with decision making by the Council only taking place at the Ordinary Meeting of Council.

DETAIL

A copy of the 2020 proposed meeting cycle calendar, based on the resolved position of the Council is attached [5710 2020 Meeting Schedule](#)

As the proposed meeting cycle calendar for 2020 does not schedule meetings in January 2020, it should be noted that a Special Meeting of the Council may be called in January 2020 if there are any matters requiring a timely decision of the Council. The meeting dates for December 2020 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as is the practice in recent years.

M19/5710 - COUNCIL MEETING SCHEDULE 2020 (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The City informs the public of the dates that Elected Member Information Sessions and Council meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the dates for the Ordinary Council Meetings for the 2020 year will be advertised in a local newspaper.

II. OTHER AGENCIES / CONSULTANTS

During 2018 the Western Australian Local Government Association reviewed the City's Council meeting structure, with officers working with Elected Members with regard to the implementation of suggested changes. The review did not recommend any change to the Council meeting schedule.

STATUTORY AND LEGAL IMPLICATIONS

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

- (1) *A Council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than three months apart.*

The Council must formally resolve to provide its meeting schedule for the next 12 months and advertise the times and date for future meetings of the Council and the Ordinary Meeting of Council Agenda Briefing Forum. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the *Local Government Act 1995* requires that local public notice of meetings is provided.

The *Local Government (Administration) Regulations 1996* require at Regulation 12(2), that the Local Government give local public notice of any change to advertised meetings date, time or place.

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

- (a) *the ordinary council meetings; and*

- (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

M19/5710 - COUNCIL MEETING SCHEDULE 2020 (REC) (ATTACHMENT)

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

(4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

FINANCIAL IMPLICATIONS

A provision for the cost of advertising has been allocated in the adopted 2019 - 2020 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Matters will be brought to the Council on 11 occasions and where required, a Special Meeting of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda. There is no risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

Consideration was given to alternative options for the schedule of Council meetings in May 2017, when it was resolved to continue with the currently monthly cycle. There is an option to revert to a different model for meeting frequency, which may provide a more or less frequent cycle of Ordinary Meetings of Council, increasing or decreasing the amount of decision making opportunities for the Council. Changes to the meeting cycle would have an impact on the resource allocations for this purpose.

CONCLUSION

The current monthly Council meetings cycle was adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Council Agenda Briefing Forums. The current model has been successful in achieving the requirements of the Council and it is recommended that it be maintained.

M19/5710 - COUNCIL MEETING SCHEDULE 2020 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5710)****APPROVAL**

At 9:48pm Cr Robartson moved, seconded Cr Woodall –

That the Council:

1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2020 to November 2020 and on the second Tuesday of December 2020.
2. Approves the Agenda Briefing Forums to be held on the first Tuesday of each month, commencing in February 2020 to November 2020 and also on 26 November 2020, for the 10 December Ordinary Meeting of Council, and be chaired by the Mayor or his delegate.
3. Resolves that it will go into recess in January 2020 and that neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be held during the month of January 2020.
4. Endorses that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Agenda Briefing Forums or meetings of Standing Committees.
5. Directs the Chief Executive Officer to advertise the dates of the Ordinary Meetings of the Council for 2020.

At 9:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

M19/5712 CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Report
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	:	C18/5652 City of Melville Community Annual Report 2017-2018 – Ordinary Meeting of the Council 20 November 2018
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Kylie Johnson Executive 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>

M19/5712 CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents the finalised City of Melville Community Annual Report 2018-2019, including Parts A and B for the Council's acceptance by absolute majority.
- The text and design component of the Community Annual Report 2018-2019 Part A, excluding the financial data, was provided to the Council through the Elected Member Bulletin (EMB) in October 2019.
- The financials are finalised, externally audited and then considered by the Financial Management Audit, Risk and Compliance Committee at its meeting held on 11 November 2019.
- An extract of the audited Financial Report has been incorporated in the finalised Community Annual Report 2018-2019 Part A. The extract itself has not been separately audited.
- The Community Annual Report 2018-2019 Part A together with the full audited Annual Financial Report – Part B includes all the information required by the *Local Government Act 1995* and other relevant legislation.
- In accordance with the *Local Government Act 1995* section 5.54, the Community Annual Report including parts A and B is to be accepted by absolute majority decision no later than 31 December after the close of the financial year.

BACKGROUND

In accordance with Section 5.53(1) of the *Local Government Act 1995* (the Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the local government no later than 31 December after that financial year, and that that decision is to be by absolute majority decision.

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year. The Annual Report is required to be prepared and printed in time for that meeting.

The format of this year's Annual Report again consists of two parts;

- part A which features a full text summary and unaudited extracts from the Annual Financial Report; and
- part B the Audited Annual Financial Report, which together comprise the City's Annual Report.

M19/5712 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)**DETAIL**

The 2018-2019 Community Annual Report has been prepared and meets the requirements of the Act. It is designed to report against *The City of Melville Corporate Business Plan 2016-2020*. It also references and reinforces the importance of the *Strategic Community Plan 2016-2026*, which aligns with the Department of Local Government, Sport and Cultural Industries Integrated Planning Framework.

Section 5.53 of the Act requires the Annual Report to contain the following:

- a report from the Mayor;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
- details of entries made under section 5.121 regarding complaints against Council Members;
- the number of complaints recorded in the register of complaints; and
- how the recorded complaints were dealt with; and any other details that the regulations may require.

The *Local Government (Administration) Regulations 1996* also requires the following information to be included in the Annual Report:

- the number of employees of the local government entitled to an annual salary of \$100,000 or more;
- the number of those employees with an annual salary entitlement that falls within each band of \$10,000 over \$100,000
- if a modification is made during a financial year to a local government's strategic community plan;
- if a significant modification is made during a financial year to a local government's corporate business plan.

The text of this Annual Report was developed from information gathered from all areas of the organisation and various corporate documents. This text was reviewed by the Chief Executive Officer and Executive Leadership Team. The Governance Coordinator also undertakes an audit of the text against the specific legislative requirements and confirms relevant requirements had been addressed.

The text and design component of the 2018-2019 Community Annual Report, excluding the financial data, was provided to Council through the Elected Members Bulletin, for early review in late October 2019.

M19/5712 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)

Electors will be made aware that the full version of the Community Annual Report consists of two parts:

- part A containing all of the textual information and the extracts from the Annual Financial Report which will be printed and provided in hard copy in limited numbers and available at the AGM and on request, and on the City's website; and
- part B the independently audited Annual Financial Report will not be professionally printed but will be made available in hard copy on request and also published on the City's website.

Part B of the Community Annual Report, is audited and reviewed by the Financial Management, Audit, Risk and Compliance Committee on 11 November 2019. The Financial Extract included in Part A of the Community Annual Report is taken from the audited Annual Financial Report and used to present a summary of what are considered to be the key aspects of the audited financial information. In order to save on costs the financial report extract in Part A is not separately audited and this is stated clearly in the report.

The Council is required to, by absolute majority decision, accept the complete version of Community Annual Report which includes Parts A and B [5712 Annual Report 2018-2019](#). This is to be done by 31 December and prior to the General Meeting of Electors.

STAKEHOLDER ENGAGEMENT

In accordance with section 5.55 of the Act the Chief Executive Officer (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. The notice will include comment that the Full Financial Report is available on request.

I. COMMUNITY

No external public consultation has been carried out as the Annual Report is a report on the business activities of the City of Melville.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.27 of the Act specifies that a general meeting of the electors 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.

Section 5.53 of the Act specifies requirements for information to be included in the Annual Report as noted within the detail of this report.

Regulations 19B and 19CA of the *Local Government (Administration) Regulations 1996* require additional information to be included in the Annual Report.

M19/5712 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)

Section 5.54 of the Act specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.55 of the Act specifies that the Chief Executive Officer is to publish the Annual Report on the local governments official website within 14 days after the report has been accepted by the local local government.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2019-2020 budget to enable graphic design, internal printing, promotion and distribution of Part A of the Annual Report. As per the previous years, minimal hard copy Annual Reports will be published, and this year will be printed internally. More environmentally responsible distribution methods such as through CD and access via the City of Melville website will be utilised.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not publishing an Annual Report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a High level of risk	Ensure the Annual Report conforms to all requirements through assessment by the Governance Coordinator prior to going to the Ordinary Meeting of Council in November 2018.

POLICY IMPLICATIONS

There are no policy implications for the Council to consider as part of this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternate options as the production and acceptance of the Annual Report is a legislative requirement.

CONCLUSION

The text of this Annual Report is a succinct and accurate reflection of the activities undertaken by the City of Melville in the 2018-2019 financial year, and has been prepared in accordance with legislative and regulatory requirements.

The full Annual Financial Report has been finalised and certified by the independent external auditors and presented to the Financial Management, Audit, Risk and Compliance Committee and Council. The abridged Financial Extract has been integrated into the Community Annual Report design, along with further explanatory comment to enhance the financial information presented to the community. The full Community Annual Report is being presented in this report for the Council's acceptance by absolute majority decision.

M19/5712 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2018-2019 (AMREC)
(ATTACHMENT)

Following the Council's acceptance, this document will be edited appropriately and made available for all stakeholders in various formats, including CD, the City's website and hard copy.

OFFICER RECOMMENDATION (5712)**ABSOLUTE MAJORITY**

That the Council, by Absolute Majority Decision, accepts the City of Melville 2018-2019 Community Annual Report which includes Parts A and B.

[5712 Annual Report 2018-2019.](#)

Officers provided an Advice Note on this matter, requesting that the matter be deferred and providing an alternative Officer Recommendation. [Annual Report Advice Note](#)

COUNCIL RESOLUTION

At 9:49pm Cr Mair moved, seconded Cr Wheatland –

That Council defer the consideration of Item M19/5712 City of Melville Community Annual Report 2018-2019 to the 10 December 2019 Ordinary Meeting of Council.

At 9:49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Reasons for the deferral as provided by Officers

Part B of the City of the City of Melville Community Annual Report 2018-2019 contains the independently audited Annual Financial Report. This is the first year that all local Governments will have their Annual Financial Report audited by the Office of the Auditor General and this process will not be finalised until after the 19 November 2019.

The Financial Management, Audit, Risk and Compliance Committee meeting has been rescheduled to 2 December 2019, where it is proposed to accept the Annual Financial Report prior to the final adoption of the City of Melville Community Annual Report at the 10 December 2019 Ordinary Meeting of Council.

At this stage, it is proposed that the Annual General Meeting of Electors will be held in early February to meet the City's legislative requirements.

**M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR
DEVELOPMENT ASSESSMENT PANELS (REC)**

Ward	: All
Category	: Operational
Subject Index	: Development Assessment Panels
Customer Index	: Development Assessment Panels
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M17/5575 – Ordinary Meeting of Council 21 November 2017. M18/5637 – City of Melville Local Government Members for Development Assessment Panels – Extension of Terms - Ordinary Meeting of Council 21 August 2018
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bruce Taylor Manager Governance and Property

AUTHORITY / DISCRETION

DEFINITION

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

M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)**KEY ISSUES / SUMMARY**

- Development Assessment Panels (DAPs), also known as Joint Development Assessment Panels (JDAPs) and Local Development Assessment Panels (LDAPs) commenced on 1 July 2011.
- Since 26 January 2018 the City of Melville has been represented by Councillor Robins and former Councillor Barling, with former Councillor Phelan and Councillor Pazolli as the Alternate Members.
- Following the Local Government Elections, Cr Robins and Cr Pazolli are the remaining representatives for the City of Melville, with their terms expiring 26 January 2020.
- Notification has been received from the Director General, Department of Planning, Lands and Heritage requesting nominations for the DAP Local Government Memberships for the 27 January 2020 - 26 January 2022 term.

BACKGROUND

At the Ordinary Meeting of Council held 21 August 2018, the Council resolved the following:

“That the Council:

- 1. Notes that the nomination for Councillor Robins (nee Foxton) expires March 2020 as per the Councils 21 February 2017 resolution.*
- 2. Endorses the extension of the term for Councillor Barling as the City of Melville Development Assessment Panel Member expiring on the 26 January 2020.*
- 3. Endorses the extension of the terms for Councillor Phelan and Councillor Pazolli as the City of Melville Development Assessment Panel Alternate Members expiring on the 26 January 2020.*
- 4. Confirms that Councillor Phelan is to be the Local Joint Development Assessment Panel Alternative Member one and Councillor Pazolli is the Development Assessment Panel Member two.*
- 5. Directs the Chief Executive Officer to advise the Director General of the Department of Planning, Lands and Heritage accordingly.”*

Following the 2019 Local Government Elections, Cr Robins and Cr Pazolli are the City's remaining representatives to the Development Assessment Panel, with terms expiring 26 January 2019.

DETAIL

Correspondence has been received from the Department of Planning, Lands and Heritage requesting the City provide nominations for two members and two alternates to the Development Assessment Panel (DAP) for terms expiring 26 January 2022.

M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)

Each DAP consists of five panel members, three being specialist members and two local government elected members. Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The Minister makes the formal appointment of nominations to the DAP and DAP members are required to undertake training prior to being able to perform their role on a DAP. The Department encourages existing members to attend refresher training, if appointed again.

In its correspondence to the City, from the Department of Planning, Lands and Heritage provided the following advice:

“The McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government boards and committees along with the total number of women appointed to 50 per cent by 2019.

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment.”

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Advertising of the Local Government Development Assessment Panel nomination is not required under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The DAP Local Government Members 2018 – 2020 can be found on the Department of Planning, Lands and Heritage website.

II. OTHER AGENCIES / CONSULTANTS

No other consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

DAPs are to make decisions based on the existing planning framework of the local government within which the application site is located.

Where an application to review a decision made by a DAP is lodged with the State Administrative Tribunal (SAT), members of the DAP who made the decision may be called upon to represent the DAP at SAT.

M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)

The *Planning and Development (Development Assessment Panels) Regulations 2011* deals with the appointment and terms of office of DAPS members, particularly Regulation 29 as follows:

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 3 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

FINANCIAL IMPLICATIONS

The current sitting fee for the local government DAP members determining applications is \$425.00 for a Form 1 application (to determine an application) and \$100 for a Form 2 application (to determine to amend or cancel a determination). Local Government DAP members will also be paid \$400.00 upon completion of the compulsory training and \$200.00 upon the completion or re-training and \$425.00 for attending proceedings at the State Administrative Tribunal in relation to a DAP decision.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Minister for Planning must remove a DAP member if they cease to hold a position or qualification which made them eligible to sit as a DAP member, this includes non-attendance of compulsory training, before they can sit on a DAP and determine applications.

DAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members, such as:

- Declare direct or indirect interest in a matter;
- Not to disclose or make improper use of information acquired as a member;
- Not accepting "prohibited" gifts;
- Comply with the Code of Conduct;
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

The primary risk is that the City does not nominate representatives and does consequently not have a voice on the DAP. There are no other risks associated with this report.

POLICY IMPLICATIONS

There are no policy implications that relate to this matter.

M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Should the Council not nominate members, the Minister has the ability to appoint community representatives to represent the City of Melville on the DAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implication of this option is that the City of Melville and its interests will not be represented in the determination of the applications by the DAP.

CONCLUSION

Cr Robins and Cr Pazolli will remain Council members on DAP until the 26 January 2020 and nominations for new members and alternative members is now required.

At 9:51pm the Mayor invited nominations for the first nomination as a Member for the Development Assessment Panel Member for the term expiring on the 26 January 2022.

The following nomination for the position was received –
Cr N Pazolli

The Mayor closed the nomination for the first position at 9:57pm and as there was one nomination, declared Cr N Pazolli as the first nomination as a Member for the Development Assessment Panel Member for the term expiring the 26 January 2022.

At 9:58pm the Mayor invited nominations for the second nomination as a Member for the Development Assessment Panel Member for the term expiring on the 26 January 2022.

The following nominations for the positions were received –
Cr S Kepert
Cr M Woodall

The Mayor closed the nomination for the second Member position at 9:58pm and advised that a secret ballot would be conducted and gave each of the candidates the opportunity to make a brief presentation to the meeting.

The Chief Executive Officer conducted a secret ballot.

At 10:02pm Cr M Woodall was declared the second nomination as a Member for the Development Assessment Panel Member for the term expiring the 26 January 2022.

M19/5713 – CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)

At 10:02pm the Mayor invited nominations for the two positions as Alternate Members for the Development Assessment Panel Member for the terms expiring on the 26 January 2022.

The following nominations for the positions were received –

Cr Wheatland

Cr Kepert

The Mayor closed the nomination for the Alternate Member positions at 10:03pm and advised a secret ballot would be conducted to determine the First and Second Alternate member nominations and gave each of the candidates the opportunity to make a brief presentation to the meeting.

The Chief Executive Officer conducted a secret ballot.

At 10:07pm Cr S Kepert was declared as the First Alternate and Cr Wheatland as the Second Alternate Member nominations for the Development Assessment Panel Member for the term expiring the 26 January 2022.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5713)**APPROVAL**

At 10:07pm Cr Barton moved, seconded Cr Barber –

That the Council:

- 1. Nominates Councillor Pazolli and Councillor Woodall as the City of Melville Development Assessment Panel Members for the term expiring on the 26 January 2022.**
- 2. Nominates Councillor Kepert and Councillor Wheatland as the City of Melville Development Assessment Panel Alternate Members for the term expiring on the 26 January 2022.**
- 3. Confirms that Councillor Kepert is to be the Local Joint Development Assessment Panel Alternative Member one and Councillor Wheatland is the Development Assessment Panel Member two.**
- 4. Directs the Chief Executive Officer to forward the confirmation of the City of Melville nominees for the Development Assessment Panel to the Director General of the Department Planning.**

At 10:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)

Ward	: All
Category	: Policy
Subject Index	: Elected Members Profile
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	: Item M17/5573 – Election of Representatives to Occasional, Advisory, Local government and Community Committees – Special Meeting of the Council 23 October 2017 Item M19/5709 – Election of Representatives to Advisory Local Government And Community Committees 2019 – 2021 21 October 2019.
Works Program	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)**KEY ISSUES / SUMMARY**

- The Council commenced the review and nomination of representatives to Committees at the Special Meeting of Council held 21 October 2019. This report finalises that process.
- This report provides the Council with the opportunity to review the continuation of each Committee and if still required, to elect representatives to the various Occasional, Advisory, Local Government and Community Committees for a term of two years.
- This report reviews the remaining Advisory and Management Committees and recommend continued representations as required by Council Policy CP-021 Advisory and Management Committees.

BACKGROUND

The biennial review of the various Advisory, Local Government and Community Committees and the Elected Member and officer representation on each Committee is due to be undertaken.

The last review was held in October 2017 after the October 2017 biennial election. It is proposed that the term for membership of all Committees be two years and concurrent with the Local Government election cycle.

The Council commenced this process at the Special Meeting of Council held 21 October 2019 with representation on the following committees being resolved:

- Beeliar Regional Park Community Advisory Committee
- City of Melville Emergency Management Committee
- Safer Melville Advisory Committee
- Southern Metropolitan Regional Council
- South West Group Board
- Department of Biodiversity, Conservation And Attractions (Formally Swan River Trust)
- Western Australian Local Government (WALGA) – South Metropolitan Zone
- South West Reference Group
- South West Regional Road Group
- Melville Cares Inc
- Melville/Cockburn Chamber of Commerce Inc
- Murdoch Precinct Strategic Group
- Neighbourhood Watch - City of Melville Committee

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)**DETAIL**

Part of the process for electing representatives on Committees should include a review of the need for the Committee to see if it should continue, combine with another Committee or be disbanded. Policy CP-021 Advisory and Management Committees - requires that a report be presented to the Council every four years, where the performance and role of each Committee will be assessed and a determination made on whether the Advisory Committee will continue. Consideration to retain, combine or disband a particular Committee(s) has been undertaken as part of this review.

Under Section 5.10(4) of the *Local Government Act 1995*, where a Council representative is required on any Standing or Advisory Committee of the Council, the Mayor has the right to be appointed as one of the representatives. This does not apply to representation on non-Council committees.

Elected Member's Committee membership is reviewed every two years, to provide consistency to membership and to offer the widest experience of community involvement to all Elected Members. This approach is consistent with the Council's position on the role of Deputy Mayor and its encouragement to provide the experience to many Elected Members.

The 21 October Council meeting considered the appointment of representatives to the Advisory and Community Committees that were to meet prior to, or soon after, the 19 November 2019 Ordinary Meeting of Council. This report now presents the remaining Advisory and Community Committees to the Council to appoint representatives and deputies, where required. .

A separate report is presented to the November 2019 Council Meeting to appoint members to the Development Assessment Panel

Council Policy CP-021 Advisory and Management Committees requires a review of the City's Advisory and Management Committees is undertaken at least once every four years. This report serves as a review of the Committees, Groups and Boards as outlined below:

1.1 MANAGEMENT AND ADVISORY COMMITTEES 2019-2021**1.1.1 CITY OF MELVILLE ROAD SAFETY AND TRAVELSMART WORKING GROUP**

(Meets monthly on the second Tuesday of the month from 4:00pm - 6:00pm or as required.)

Function

- 1) *To support the local implementation of the State Road Safety Strategy.*
- 2) *To formulate, review and promote TravelSmart initiatives.*
- 3) *To actively engage in initiatives that will improve road safety and TravelSmart behaviour amongst City of Melville residents.*

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)**Name Change**

The name of the group was changed in 2019 from City of Melville Road Safety and Travelsmart Committee to the City of Melville Road Safety and TravelSmart Working Group.

Representatives

The 2017-2019 elected representatives on the City of Melville Road Safety and Travel Smart Committee were former Cr T Barling as Chairperson and Cr N Robins as Deputy Chairperson.

Working Group Representation

Two (2) Elected Members one of whom is the Chairperson and the other the Deputy Chairperson

Officers in Attendance –

TravelSmart Officer
Traffic and Road Safety Coordinator
Community Members
Representatives (x4)

Maximum Elected Membership (2)

- Elected Member representatives hold the positions of Chairperson and Deputy Chairperson of the Committee

CHAIRPERSON 2019-2021	DEPUTY CHAIRPERSON 2019-2021
No Nominations Received	No Nominations Recieved

1.1.2 YOUTH SPORTS SCHOLARSHIP ASSESSMENT PANEL

(Annually for Assessment purposes)

Function - The Youth Sports Scholarship is targeted at young athletes (aged 12 to 19 years) in all sports that have represented the State or at a higher level. The City is supporting suitably identified elite young athletes (Scholarship winners) that live in the City of Melville by providing membership to LeisureFit Booragoon and LeisureFit Melville as part of their training regime as they continue to succeed in their chosen sport.

Representatives

The 2017-2019 representatives on the Youth Sports Scholarship Assessment Panel were Cr K Wheatland, Cr N Robins and former Cr T Barling with Cr S Kepert and Cr D Macphail as Deputies.

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)

The Committee consists of

One (1) Elected Member

Representative from –

Department of Local Government, Sport and Cultural Industries (1);

Officers in Attendance –

Healthy Melville Coordinator – Recreation Development; or
Recreation Development Officer

Maximum Elected Membership (3)

REPRESENTATIVES 2019-2021	DEPUTIES
Cr Fitzgerald	Cr Macphail
Cr Barber	
Cr Wheatland	

1.2 APPOINTMENT OF REPRESENTATIVES 2017-2019

1.2.1 AVIATION MUSEUM COMMITTEE

The Aviation Museum Committee was rescinded in 2019 by the managing body of the Bull Creek RAAFA Village, who are looking at new governance for the Museum.

1.2.2 CITY OF MELVILLE CITIZENS RELIEF FUND (Inc)

(Meets bi-monthly - Wednesday evening)

Function - to oversee the management of the Relief Fund and distribution of the financial feature of the emergency relief fund and food parcels of approved applicants, who reside within the City of Melville. Applicants are vetted by the Financial Counsellor.

City of Melville Representatives

The 2017- 2019 City of Melville representatives on the City of Melville Citizens Relief Fund (Inc) were Cr N Robins with former Cr P Phelan as the Deputy

Officer in Attendance

- Financial Counsellor

Note – Cr Robartson is a member of this Committee in his own right as a member of the Community.

Committee Representation

One (1) Elected Member

REPRESENTATIVE 2019-2021	DEPUTY
Cr Fitzgerald	Cr Robins

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)

1.2.3 COMMUNITY AVIATION CONSULTATIVE GROUP - JANDAKOT AIRPORT

(Meets every 3 months at 4:00pm for between thirty & sixty minutes, next meeting 27 November 2019)

Function – to provide a forum for discussion of all aspects of Airport planning and operations.

Representatives

The Council representative on the 2017-2019 Jandakot Airport Advisory Committee was Cr C Robartson with Cr M Woodall as the Deputy.

The Committee consists of –

Representatives from –

- City of Melville
- Civil Aviation Authority
- Trades & Labour Council
- Ministry for Planning
- City of Cockburn
- City of Canning
- Aviation Industry

Officers in Attendance -

- Manager Strategic Urban Planning
- Coordinator Health Services

Committee Representation

One (1) Elected Member

REPRESENTATIVE 2019-2021	DEPUTY
Cr Robartson	Cr Woodall

1.2.4 SOUTH WEST CORRIDOR DEVELOPMENT FOUNDATION (INC)

Meets fourth Monday of each second month at 4.00pm, preceding the WALGA Zone Council Meeting)

Function - to facilitate economic growth and the development of the South Metropolitan region, carry out projects to promote regional development and skills development and manage Industry Direct web portal.

Representatives

The 2017-2019 representative on the South West Corridor Development Foundation (Inc) was Cr D Macphail with Cr S Kepert as Deputy.

**M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT
AND COMMUNITY COMMITTEES, PART 2 (AMREC)**

The Committee includes -

Representatives from -

- City of Melville
- City of Cockburn
- City of Rockingham
- City of Fremantle
- City of Kwinana
- Town of East Fremantle
- Director South West Group
- Business Foundations
- Melville Cockburn Chamber of Commerce
- Rockingham Kwinana Chamber of Commerce
- Fremantle Chamber of Commerce
- Bridging the Gap Rockingham

Officer in Attendance -

- Director Urban Planning (as required)

Committee Representation

One (1) Elected Member

At 10:11pm the Mayor invited nominations for representation on the South West Corridor Development Foundation (Inc)

The following nomination for the position was received –

Cr S Kepert

Cr D Macphail

The Mayor closed the nomination for the second Member position at 10:11pm and advised that a secret ballot would be conducted and gave each of the candidates the opportunity to make a brief presentation to the meeting.

The Chief Executive Officer conducted a secret ballot.

At 10:14pm Cr S Kepert was declared the Representative on the South West Corridor Development Foundation (Inc).

Cr D Macphail accepted the position of Deputy.

REPRESENTATIVE 2019-2021	DEPUTY
Cr Kepert	Cr Macphail

**M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT
AND COMMUNITY COMMITTEES, PART 2 (AMREC)****1.2.5 PERTH AIRPORTS MUNICIPALITIES GROUP**

(Meets quarterly on Thursdays at 7.00pm)

Representatives

The 2017-2019 representative on the Perth Airports Municipalities Group was Cr M Woodall with Cr C Robartson as Deputy.

The objects of the Group are -:

- (a) *To provide a forum of meaningful discussion on issues which affect Metropolitan Airports and their environs;*
- (b) *To investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of Metropolitan Airports;*
- (c) *To monitor the use and environmental impact of Metropolitan Airports on neighbouring communities;*
- (d) *To advise relevant State and Federal ministers, State and Commonwealth government departments, the Noise Management Committee, and the Owner/s of Perth and Jandakot airports on issues of major concern affecting airports and the surrounding communities;*
- (e) *To establish and maintain a strong partnering relationship with the Owner/s of Perth and Jandakot airports for the purpose of open and effective dialogue to identify, discuss, advise, research and seek proactive resolutions to issues affecting the airports and the immediate local community;*
- (f) *To provide a conduit and consultation mechanism for the expression of community views and a proper exchange of information with members of the community;*
- (g) *To consider all proposals affecting airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations;*
- (h) *To liaise with the airport emergency procedures committees where necessary on matters involving emergency co-ordination and rescue response;*
- (i) *To pursue active participation on AMAC and such other bodies that may come into existence for the purpose of fostering participation in the development, use and monitoring the impact of airports;*
- (j) *To promote the economic benefits of civil aviation airports; and*
- (k) *To liaise with local government on issues of concern to the community, and to provide a forum for discussion of planning and development*

Committee Representation

- One (1) Elected Member

**M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT
AND COMMUNITY COMMITTEES, PART 2 (AMREC)****Officer in Attendance**

- Coordinator Health Services

REPRESENTATIVE 2019-2021	DEPUTY
Cr Kepert	Cr Barton

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

There is no public consultation required for this report.

II. OTHER AGENCIES / CONSULTANTS

There has been consultation with the committees and organisations named in this report where required.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report other than the Council must adopt the nominations by Absolute Majority.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic implications are that the City should have representation on key Committees named in this report to ensure the City's position is considered by significant Committees. There are no risk implications.

POLICY IMPLICATIONS

Under the Council Policy Number CP-021 - Advisory and Management Committees, the number of Elected Members on Advisory Committees should be restricted to no more than one-third of the total number of members of the Committee. This does not prevent other Elected Members from attending as observers.

Where one third of the total number of Members is not a whole number the lesser number shall apply, i.e. thirteen members equals four Elected Members.

The Policy requires that a report be presented to the Council every four years. The report will outline the objectives, role, terms of reference, membership and achievements or benefits of each Advisory Committee and recommend that the Committee continue, combine with another Committee or be disbanded. The performance and role will be assessed and a determination made on which Advisory Committees will continue.

M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, PART 2 (AMREC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option is not to have Elected Member representation on some Committees and where permitted, for Officers to represent the City.

CONCLUSION

The Council should review the continuation of each Committee and where retained and continued, a representative or representatives should be appointed to each Committee.

Previous practice has been that that Elected Member representation on advisory and community meetings is distributed equally amongst members so share workload and representation .

COUNCIL RESOLUTION (5714)

ABSOLUTE MAJORITY

At 10:16pm Cr Macphail moved, seconded Cr Kepert –

- 1. That by absolute majority decision, the appointments to the following Management and Advisory, Local Government and Community Committees, be adopted.**

1.1.1 CITY OF MELVILLE ROAD SAFETY AND TRAVELSMART WORKING GROUP

CHAIRPERSON 2019-2021	DEPUTY CHAIRPERSON

That the appointment of Elected Member representatives for the City of Melville Road Safety and Travelsmart Working Group be deferred to a future meeting of Council for further consideration.

1.1.2 YOUTH SPORTS SCHOLARSHIP

REPRESENTATIVES 2019-2021	DEPUTIES 2019-2021
Cr Fitzgerald	Cr Macphail
Cr Barber	
Cr Wheatland	

(Note – Maximum Elected Member Membership of 3)

1.2.1 AVIATION MUSEUM COMMITTEE

That the Aviation Museum Committee be deleted.

**M19/5714 - ELECTION OF REPRESENTATIVES TO ADVISORY, LOCAL GOVERNMENT
AND COMMUNITY COMMITTEES, PART 2 (AMREC)**

1.2.2 CITY OF MELVILLE CITIZENS RELIEF FUND (INC)

REPRESENTATIVE 2019-2021	DEPUTY
Cr Fitzgerald	Cr Robins

**1.2.3 COMMUNITY AVIATION CONSULTATIVE GROUP – JANDAKOT
AIRPORT**

REPRESENTATIVE 2019-2021	DEPUTY
Cr Robartson	Cr Woodall

1.2.4 SOUTH WEST CORRIDOR DEVELOPMENT FOUNDATION (INC)

REPRESENTATIVE 2019-2021	DEPUTY
Cr Kepert	Cr Macphail

1.2.5 PERTH AIRPORTS MUNICIPALITIES GROUP

REPRESENTATIVE 2019-2021	DEPUTY
Cr Kepert	Cr Barton

2 That Elected Members tenure be for a term of two years.

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 September 2019 for the Council's information and noting.

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)

BACKGROUND

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

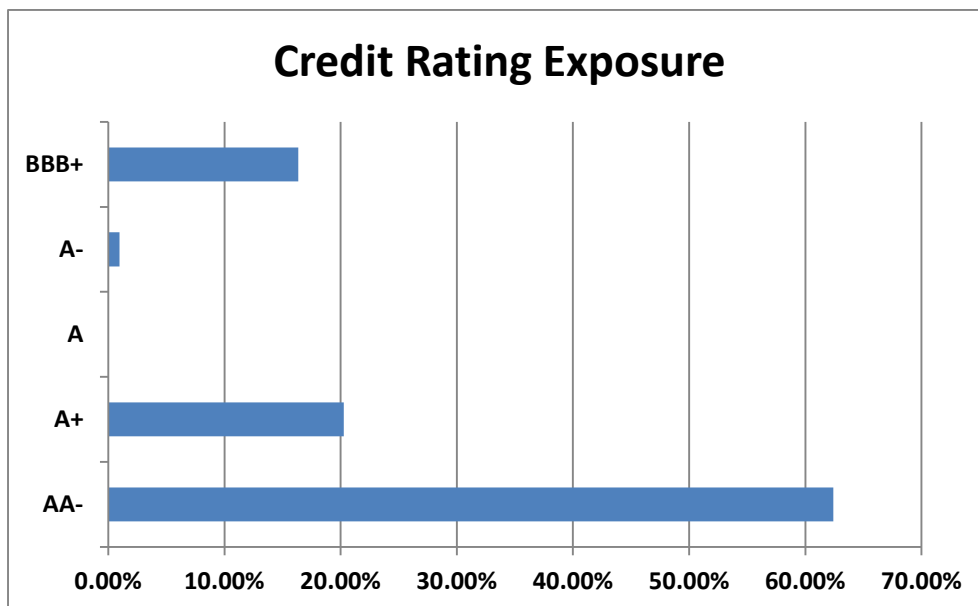
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

The following statement details the investments held by the City as at 30 September 2019.

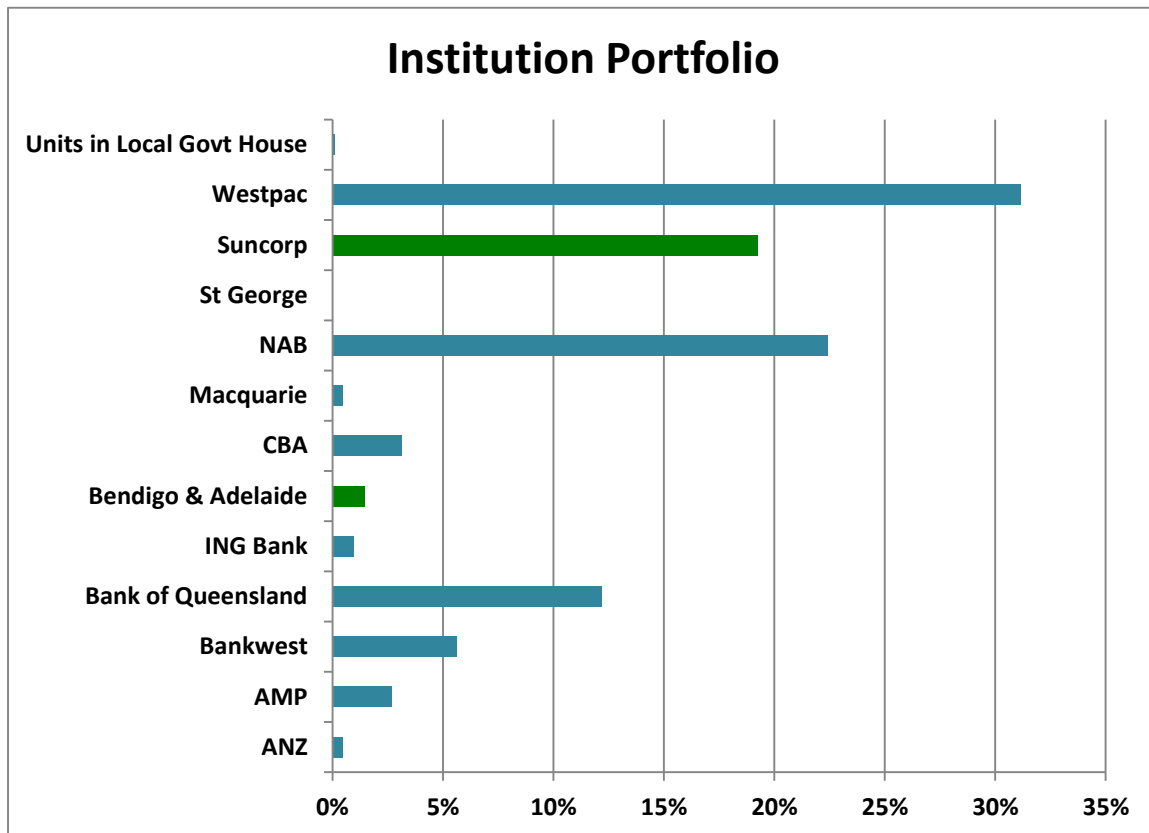
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 30 SEPTEMBER 2019	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 47,002,161
RESERVE	\$ 157,423,000
TRUST	\$ 390,723
CITIZEN RELIEF	\$ 221,321
	\$ 205,037,205
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 2,741,560
31DAYS AT CALL	\$ 6,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 16,600,000
TERM DEPOSIT	\$ 177,520,474
UNITS (Local Govt Hse)	\$ 175,171
	\$ 205,037,205
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 127,862,033
A+	\$ 41,500,000
A	\$ -
A-	\$ 2,000,000
BBB+	\$ 33,500,001
UNITS (Local Govt Hse)	\$ 175,171
	\$ 205,037,205

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,000,000		0.49%	0.49%	30%	No	3,000,000
AMP BANK (TERM)	TERM	BBB+	5,500,001		2.68%	2.68%	25%	No	
BANKWEST (TERM)	TERM	AA-	11,500,000		5.61%	5.61%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	25,000,000		12.19%	12.19%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	3,000,000		1.46%	1.46%	15%	Yes	
COMMONWEALTH BANK (TERM)	TERM	AA-	6,500,000		3.17%	3.17%	30%	No	
ING BANK (TERM)	TERM	A-	2,000,000						
ING BANK (FRTD)	FRTD	A-	-		0.00%	0.98%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	1,000,000		0.49%	0.49%	25%	No	
NAB (TERM)	TERM	AA-	46,020,473		22.44%	22.44%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	39,500,000
SUNCORP METWAY LTD (TERM)	TERM	A+	39,500,000		19.26%	19.26%	25%	Yes	
WESTPAC (MAXI BONUS 1)	11AM	AA-	0		0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-		0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	2,741,560		1.34%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	6,000,000		2.93%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		0.98%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	16,600,000		8.10%				
WESTPAC (TERM)	TERM	AA-	36,500,000		17.80%	31.14%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	175,171		0.09%	0.09%		N/A	
			205,037,205		100%	100%			42,500,000
Total Non Fossil Fuel Lending ADI									21%

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)



Non Fossil Fuel Authorised Deposit Taking Institutions. (ADI's)

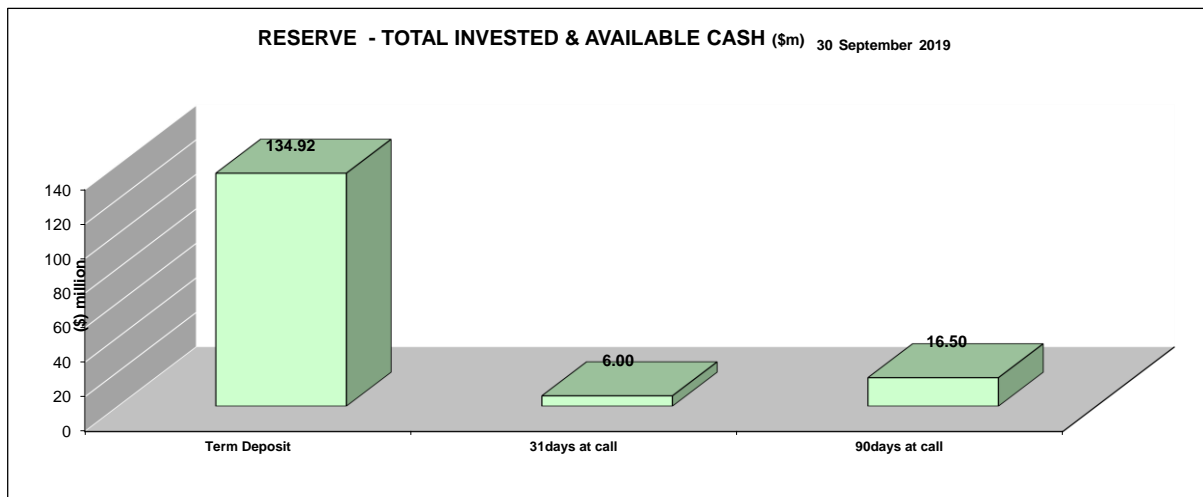
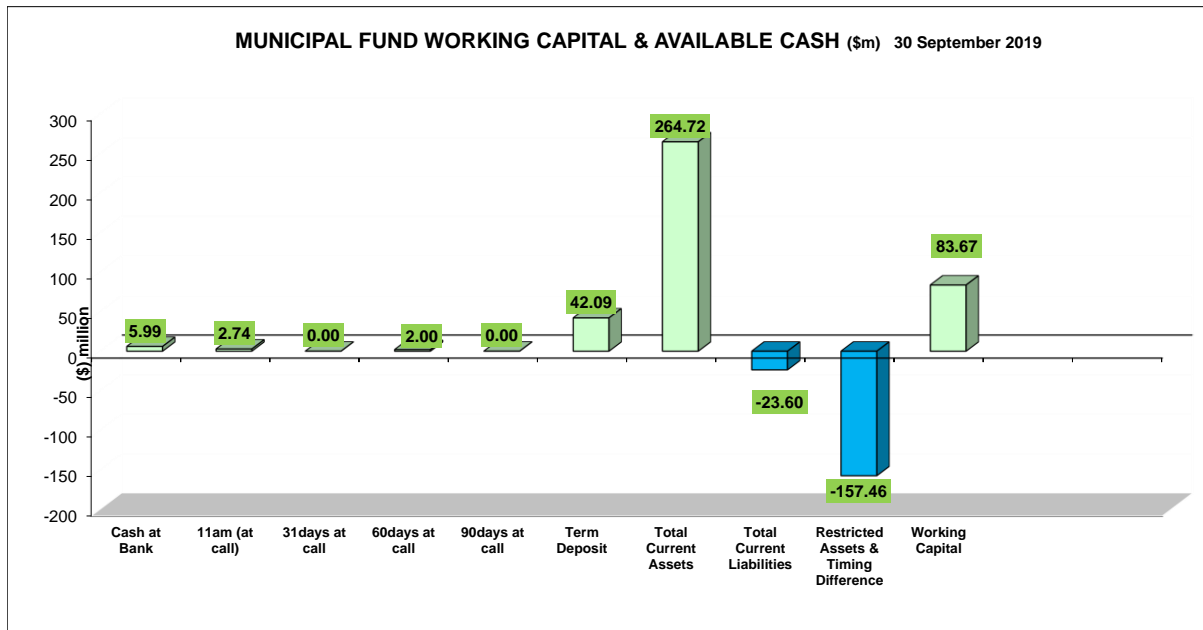
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 September 2019 was \$42,500,000 or 21% of total investment holdings being in non-fossil fuels institutions, compared to \$42,500,000 (20%) in August 2019. The total investments holding for August and September were \$215,037,205 and \$205,037,205 respectively.

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)

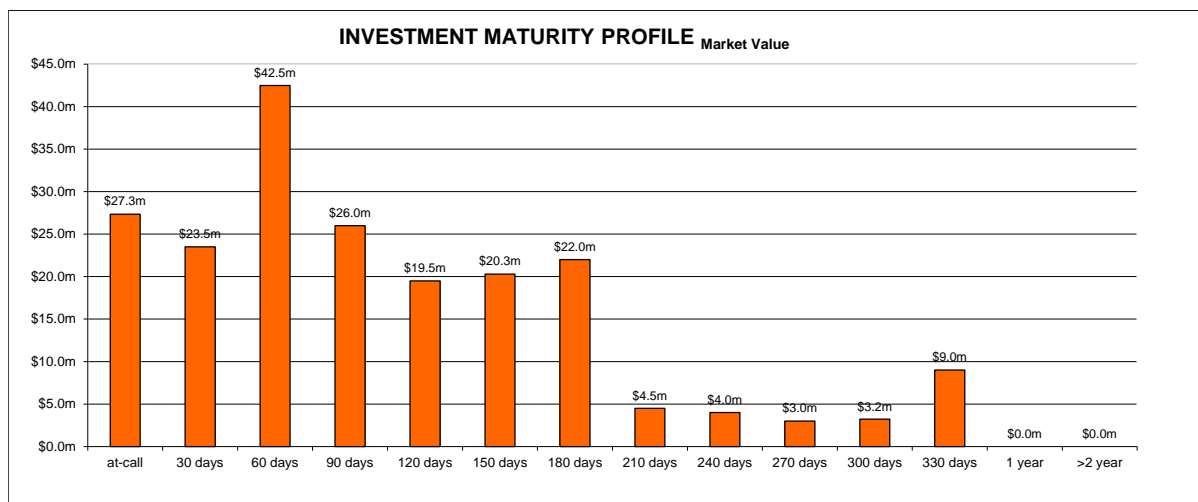
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 30 September 2019.



C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 30 September 2019.



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.

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (REC)

FINANCIAL IMPLICATIONS

For the period ending 30 September 2019:

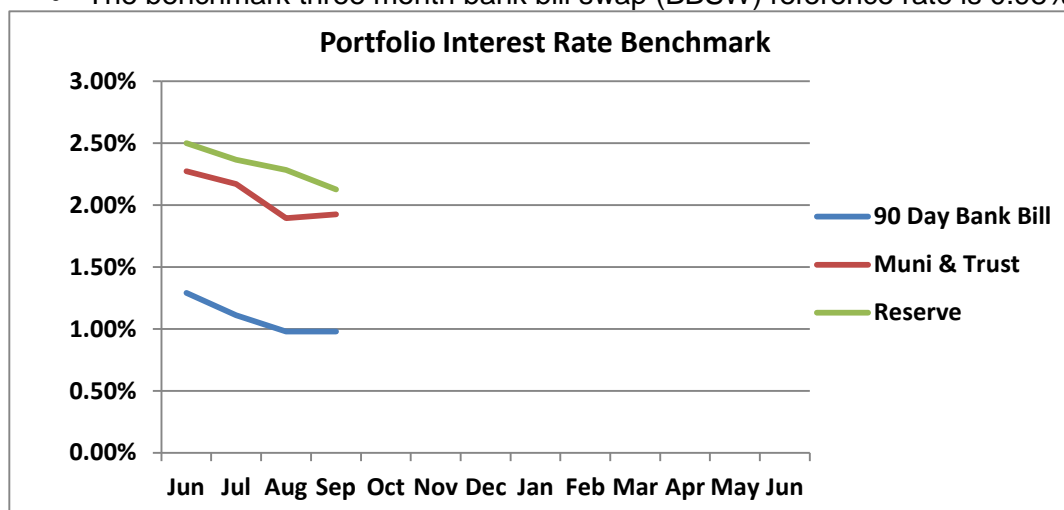
- Investment earnings on Municipal and Trust Funds were \$208,995 against a year to date budget of \$186,250 representing a positive variance of \$22,745.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 September 2019 was 1.93%. Average rate of return for investment income for 2019-2020 was forecasted to be 2.2%.

- Investment earnings on Reserve accounts were \$856,822 against a year to date budget of \$775,000 representing a positive variance of \$81,822.

The weighted average interest rate for Reserve account investments as at 30 September 2019 was 2.13%, compared to the expected average rate of return for Reserve investment for 2019-2020 was forecasted to be 2.2% .

- The benchmark three month bank bill swap (BBSW) reference rate is 0.98%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C19/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2019 (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*.

Council Policy CP-030 – Environmental states that the “The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.” Whilst this Policy directly relates to the environmental impacts that relate to activities within the City's boundaries and there is a tenuous link between the City's investment activities and lending to organisations producing fossil fuels, the City will, to the extent it can without putting invested funds at undue risk, direct its investments to financial institutions that do not lend to those organisations.

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 1.93% to 2.13% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.98%.

21% 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 is compared to 20% in August 2019.

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

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

That the Council notes the Investment Report for the period ending 30 September 2019.

At 10:22pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (13/0)

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2019 (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 September 2019 and recommends that the Schedule of Accounts Paid be noted.

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2019 (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 September including Payment Registers numbers, Cheques 725 - 729 and Electronic Funds Transfers batches 598 - 604, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 25 October 2019. Payments for the period totalled \$18,093,776.61 for the Municipal Fund and \$74,299.39 for the Trust Fund whilst new investment transactions totalled \$6,000,000.00. Details of the payments are shown in attachment [6001 September 2019](#).

Municipal payments in excess of \$25,000 for the period are detailed as follows:

Supplier Number	Supplier Name	Description of Supply	Amount
14313	Asphaltech Pty Ltd	Road resurfacing	\$465,213.35
14964	AEWB Building Co	Building maintenance	\$32,632.82
15661	Beacon Equipment	Hardware and tools	\$32,049.05
10965	Calibre Coatings Pty Ltd	Painting services	\$27,273.40
16920	Charles Service Company	Commercial cleaning	\$42,143.64
10442	Christou Design Group Pty Ltd	Architectural works for Library and Cultural Centre	\$63,213.94
12725	City of Stirling	Long service leave payment	\$25,598.45
13935	Contraflow Pty Ltd	Traffic control services	\$51,113.58
14051	Department of Fire & Emergency Services	ESL remittance for August	\$7,621,328.36
13309	Drainflow Services Pty Ltd	Drainage services	\$29,370.00
11380	EMSO Maintenance	Building maintenance	\$41,938.42
10385	Flexi Staff	Temporary labour	\$34,340.01
15489	Horizon West Landscape & Irrigation Pty Ltd	Irrigation infield at Dudley Hartree Reserve	\$61,215.00
16451	Living Turf Greenshed Pty Ltd	Soil testing, fertilisers and wetting agents for reserves	\$58,618.55
10141	Major Motors Pty Ltd	Purchase of Isuzu FRR Truck and various filters	\$240,035.19
16515	Marketforce Pty Ltd	Advertising services	\$49,831.77
14228	Mastec Australia Pty Ltd	20% of progress claim- 67,000 bins for FOGO rollout	\$559,002.40

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2019 (REC)
(ATTACHMENT)

Supplier Number	Supplier Name	Description of Supply	Amount
11172	Melville Toyota	Purchase of Toyota Coaster Bus and service to vehicle	\$118,270.28
12865	MMM WA Pty Ltd	Drainage installation at Dunkley Avenue	\$142,914.76
17940	Natural Area Consulting Management Services	Bush regeneration and foreshore maintenance	\$87,807.46
13563	Pearmans Electrical & Mechanical Services Pty Ltd	Electrical maintenance	\$106,587.45
16850	Plan E Landscape ty Ltd	Landscape design for Premier Playspace Melville	\$47,451.25
11590	Playmaster Pty Ltd	Playground for Peter Ellis Park	\$40,243.50
16535	Precise Air Group Pty Ltd	Air conditioner maintenance	\$31,596.50
16280	Quantum Building Services Pty Ltd	Building maintenance	\$34,144.88
10974	RBM Drilling	Replacement of bores at Geo Thompson Reserve and Dunkley Avenue	\$43,863.60
17445	Reino International Pty Ltd	Replacement of vandalised parking meter	\$29,680.75
10615	Satellite Security Services	CCTV upgrade at Operations Centre and security monitoring at various sites	\$50,607.40
10334	Sirsidynix Pty Ltd	Software and licensing subscription	\$97,508.35
12203	Southern Metropolitan Regional Council	RRRC loan repayment, MSW, MRF and green waste gate fees for August	\$843,043.43
11008	South West Group	2019-20 member contributions	\$49,867.50
16605	Synergy Electricity Generation & Retail Corporation	Electricity charges	\$237,714.26
16506	TCD Services Australia	Emergency works at Mick Jahn Reserve and drainage works at various sites	\$145,649.85
16433	TJS Services Group Pty Ltd	Commercial cleaning	\$41,660.07
17037	Tree Care WA Pty Ltd	Tree pruning services	\$62,854.56
12334	Water Corporation	Water charges	\$53,633.72
10311	Western Power Electricity Networks Corporation	Cash calls for Alfred Cove East and Melville North Underground Power projects	\$1,295,000.00

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2019 (REC)
(ATTACHMENT)

Trust payments in excess of \$25,000 for the period are detailed as follows

Supplier Number	Supplier Name	Description of Supply	Amount
10004	Building and Construction Industrial Training Fund	Regulatory fees and government charges	\$36,005.49
99995	Building Commission	Regulatory fees and government charges	\$38,293.90

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 04/09/2019 & 18/09/2019	Payment of salaries and wages to City employees net of tax and deduction for pays 5 and 6.	\$2,242,574.63
Australian Taxation Office	Direct Bank Transfers 04/09/2019 & 18/09/2019	Pay as You-Go taxation and other deductions from employee payroll for pays 5 and 6.	\$700,636.00
Creditors and Advances	Direct Bank Transfers 04/09/2019 & 18/09/2019	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 5 and 6.	\$528,908.12
Total			\$3,472,118.75

Investments

Summary of new investments as follows:

Bank	Date	Amount
Westpac Bank	6/09/2019	\$5,000,000
Macquarie Bank	12/09/2019	\$1,000,000
Total		\$6,000,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2019 (REC)
(ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS****STATUTORY AND LEGAL IMPLICATIONS**

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Regulation 11 - Payment of Accounts, Regulation 12 - List of Creditors and Regulation 13 - Payments from the Trust Fund and the Municipal Fund.

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

Payments for the period totalled \$18,093,776.61 for the Municipal Fund and \$74,299.39 for the Trust Fund whilst new investment transactions totalled \$6,000,000.00.

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 of September 2019 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 September 2019](#).

At 10:22pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (13/0)

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 September 2019 and recommends that they be noted by the Council. • The variances for the month of September 2019 and recommends that they be noted by the Council. • The Budget amendments required for the month of September 2019 and recommends that they be adopted by Absolute Majority decision of the Council.

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)

BACKGROUND

The Statements of Financial Activity for the period ending 30 September 2019 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

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

Variances

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE OVER \$50,000 for the Period 1 September 2019 to 30 September 2019							
	September Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
Transport	129,316	382,891	452,299	69,408	6%	1,599,343	1,599,343
Economic Services	181,838	4,437,216	4,620,210	182,994	4%	3,038,466	6,276,583
Other Property and Services	(18,400)	183,113	123,886	(59,226)	-32%	321,201	1,285,350
	2,308,873	14,600,269	14,941,163	340,895		32,199,974	33,568,503
Expenditure from operating activities							
Governance	(407,970)	(1,341,013)	(1,268,025)	72,989	-5%	(6,152,018)	(7,152,317)
Education & Welfare	(231,756)	(711,000)	(654,268)	56,732	-8%	(3,067,314)	(3,068,931)
Community Amenities	(2,709,707)	(7,439,076)	(6,887,129)	551,947	-7%	(26,222,531)	(27,148,246)
Recreation and Culture	(2,349,142)	(8,795,692)	(8,019,865)	775,827	-9%	(36,049,663)	(35,953,127)
Transport	(1,300,770)	(4,199,631)	(3,836,446)	363,185	-9%	(17,962,135)	(17,962,135)
	(9,836,591)	(28,922,209)	(26,903,392)	2,018,817		(114,996,552)	(115,602,819)
Investing Activities							
Purchase of Plant & Equipment	(363,344)	(783,859)	(541,234)	242,625	-31%	(1,811,477)	(3,516,811)
Purchase of Infrastructure Assets	(1,196,301)	(2,218,450)	(1,978,543)	239,907	-11%	(31,028,602)	(32,215,354)

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002C Sub Program September 2019](#) and [6002H September 2019](#).

Revenue

\$89.296 million in Rates was raised as at 30 September 2019 compared to a year to date budget of \$88.968 million. There is a positive variance of \$327,670 (0.0037%) when compared to year to date actual. This is due to growth in the rate base (mainly a residential development on Kishorn Road in Mt Pleasant) subsequent to budget setting.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for September 2019.

Budget Amendments

Details of Budget Amendments requested for the month of September 2019 are shown in attachment [6002J September 2019](#). There were nine budget amendments, greater than \$50,000, processed in September 2019:

- \$274,000 – Consolidation of budgets for Leisure Pool Refurbishment and Facilities Refurbishment projects.
- \$735,000 – Consolidation of budgets for Civic Centre Refurbishment projects.
- \$119,538 – Carry forward of income budget for Smart Cities Micro Grid project.
- \$309,827 – Transfer of carry forward budget for Carawatha Development project.
- \$56,399 – Creation of budget for credit of contributions received from LGIS.
- \$50,000 – Transfer of budget from Preston Point Road Refuge Island to Minor Traffic Upgrade due to a transmission power pole that requires relocation.
- \$150,000 - Transfer of budget to fund engagement of independent persons to comply with inquiry outcome report recommendations as per Council resolution M19/5697.
- \$134,373 - Consolidation of budgets for Willagee Library Upgrade projects.
- \$199,444 - Transfer of identified savings in Financial Services employment budgets.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$4,990,428 were collected over the course of the month. Rates collection progress for the month of September is 1.1% below the target of 60.9%. This represents a dollar value of \$1,077,127. As at 30 September 59.8% of the 2019-2020 rates, including prior year arrears had been collected compared with 60.3% collected for the same time last year. Rates collection for 2019-2020 excluding prior year rate arrears is 63%.

Total sundry debtor balances increased by \$527,605 over the course of the month from \$685,531 to \$1,213,136 in September which is mainly due to the reimbursement of preliminary costs associated with the Carawatha Redevelopment Project. The 90+ day's debtor balance decreased by \$2,540 from \$276,943 to \$274,403.

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)

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 September 2019.

The following attachments form part of the Attachments to the Agenda.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – September 2019	<u>6002A Nature Type September 2019</u>
Rate Setting Statement by Program – September 2019	<u>6002B Program September 2019</u>
Rate Setting Statement by Sub-Program – September 2019	<u>6002C Sub Program September 2019</u>
Representation of Net Working Capital – September 2019	<u>6002E September 2019</u>
Reconciliation of Net Working Capital – September 2019	<u>6002F September 2019</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – September 2019	<u>6002H September 2019</u>
Details of Budget Amendments requested – September 2019	<u>6002J September 2019</u>
Summary of Rates Debtors – September 2019	<u>6002L September 2019</u>
Graph Showing Rates Collections – September 2019	<u>6002M September 2019</u>
Summary of General Debtors aged 90 Days Old or Greater – September 2019	<u>6002N September 2019</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

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

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

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

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

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)**FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H September 2019](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risks or environmental management implications arising from this report.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 September 2019.

C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2019 (AMREC)
(ATTACHMENTS)

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

At 10:21pm Cr Pazolli moved, seconded Cr Keper –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 September 2019 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – September 2019	<u>6002A Nature Type September 2019</u>
Rate Setting Statement by Program – September 2019	<u>6002B Program September 2019</u>
Rate Setting Statement by Sub-Program – September 2019	<u>6002C Sub Program September 2019</u>
Representation of Net Working Capital – September 2019	<u>6002E September 2019</u>
Reconciliation of Net Working Capital – September 2019	<u>6002F September 2019</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – September 2019	<u>6002H September 2019</u>
Details of Budget Amendments requested – September 2019	<u>6002J September 2019</u>
Summary of Rates Debtors – September 2019	<u>6002L September 2019</u>
Graph Showing Rates Collections – September 2019	<u>6002M September 2019</u>
Summary of General Debtors aged 90 Days Old or Greater – September 2019	<u>6002N September 2019</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for September 2019 [6002J September 2019](#).**

At 10:22pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

**LATE ITEM M19/5721 – GOVERNANCE COMMITTEE – CHIEF EXECUTIVE OFFICE
PERFORMANCE REVIEW PROCESS (REC) (ATTACHMENT)**

Item brought forward
See page 55

15. EN BLOC ITEMS

At 10:22pm Cr Robartson moved, seconded Cr Robins–

That the recommendations for items C19/6000 and C19/6001 be carried En Bloc.

At 10:22pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Procedural Motion

At 10:22pm Cr Woodall moved, seconded Cr Wheatland

That the meeting be adjourned Monday 25 November 2019.

At 10:26pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

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

Disclosures of Interest

Member	Cr Mair
Type of Interest	Indirect Financial Interest
Nature of Interest	Potential Director of a company that owns property in the CBACP area
Request	Leave
Decision	Leave

At 10:30pm having declared an Interest in the matter Cr Mair left the meeting.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Full Review of the Canning Bridge Activity Centre Plan**

At 10:30pm Cr Pazolli moved, seconded Cr Kepert –

That the Council directs the Chief Executive Officer to immediately commence and, as quickly as possible, expedite the completion of the full review of the Canning Bridge Activity Plan Including:

- 1. Commissioning of outsourced planning expertise to assist Council in scoping and timetabling the review with the objective of completing the review by October 31, 2020, assisting the Chief Executive Officer (and City Planning Officers) to undertake the review, present monthly review project updates to Council and assist the Chief Executive Officer to document the reviewed Canning Bridge Activity Centre Plan in a form suitable for submission to the West Australian Planning Commission for approval and adoption.**
- 2. Undertake stakeholder and community consultation as determined in the scoping of the review in Item 1 above, including incorporation of stakeholder/community reference groups that the Council may require.**
- 3. The funding of the review of the Canning Bridge Activity Plan by the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.**

16.1 Full Review of the Canning Bridge Activity Centre Plan

Procedural Motion

COUNCIL RESOLUTION

At 10:45pm Cr Fitzgerald moved, seconded Cr Wheatland

That the motion be put.

At 10:46pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

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

COUNCIL RESOLUTION

At 10:30pm Cr Pazolli moved, seconded Cr Kepert –

That the Council directs the Chief Executive Officer to immediately commence and, as quickly as possible, expedite the completion of the full review of the Canning Bridge Activity Plan Including:

- 1. Commissioning of outsourced planning expertise to assist Council in scoping and timetabling the review with the objective of completing the review by October 31, 2020, assisting the Chief Executive Officer (and City Planning Officers) to undertake the review, present monthly review project updates to Council and assist the Chief Executive Officer to document the reviewed Canning Bridge Activity Centre Plan in a form suitable for submission to the West Australian Planning Commission for approval and adoption.**
- 2. Undertake stakeholder and community consultation as determined in the scoping of the review in Item 1 above, including incorporation of stakeholder/community reference groups that the Council may require.**
- 3. The funding of the review of the Canning Bridge Activity Plan by the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.**

At 10:47pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

16.1 Full Review of the Canning Bridge Activity Centre Plan

Vote Result Summary	
Yes	11
No	1

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

Reasons for the Motion as provided by Cr Pazolli

1. It is clear from recent CBACP development applications and Design WA R Code changes that there are a number of issues, inconsistencies and errors in the current Canning Bridge Activity Centre Plan (CBACP). Further, it is clear that the current interpretations of aspects of the CBACP are not consistent with the expectations of the City of Melville citizens and the Council.
2. Following the overwhelming positive result of the recent Local Government elections, I believe the Council now has a strong mandate to proceed to expedite changes to the CBACP and to ensure that the full review of the CBACP is progressed as rapidly as possible. This motion requires that the CEO proceeds with the full review immediately and as quickly as possible with the ambitious target date of having a revised CBACP ready for submission to the WAPC by October 31, 2020 (or hopefully even earlier!).
3. To achieve this ambitious deadline it is expected that it will require the City to commission external resources to assist the Planning Officers and Council to undertake the full review.
4. Whilst the full review is progressed it is anticipated that Council may also proceed in parallel with passing a range of Local Planning Policies and amendments to the existing CBACP to give effect to correcting issues with the existing CBACP.

At 10:33pm Cr Wheatland left the meeting and returned at 10:35pm
At 10:53pm Cr Mair returned to the meeting

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

17.1 Council Rejection and Abrogation Of Submission Entitled "City Of Melville Administration Submission To Select Committee Into Local Government".

COUNCIL RESOLUTION

At 10:53pm Cr Kepert moved, seconded Cr Pazolli –

That Cr Kepert be permitted to present to the Council a Motion Without Notice relating to "Council Rejection And Abrogation Of Submission Entitled "City Of Melville Administration Submission To Select Committee Into Local Government".

At 10:54pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (8/5)

Vote Result Summary	
Yes	8
No	5

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

17.1 Motion without Notice - Council Rejection and Abrogation of Submission Entitled “City Of Melville Administration Submission To Select Committee Into Local Government”.

The Council:

- 1. Notes that a submission dated 19th September 2019 was made to WA Legislative Council’s Select Committee into Local Government by “City of Melville Administration”, without the approval of council.**
- 2. Rejects that submission.**
- 3. Notes its concern that such a submission was made on behalf of the City of Melville, without the authorisation of the Council.**
- 4. Directs the CEO to:**
 - a. Not make any further comment on the Local Government Enquiry as the CEO of Melville, except to communicate any position which might be adopted by the Council.**
 - b. Write to the Select Committee into Local Government noting that;**
 - i. The submission was not authorised by the City of Melville;**
 - ii. The City of Melville does not endorse the submission, and rejects its content;**
 - iii. Insofar as the submission might be taken to be the position of the City of Melville, the committee disregard that submission and its content; and**
 - iv. The CEO has been directed to not make any further comment to the Select Committee into Local Government as the CEO of Melville, except to communicate any position which might be adopted by the Council.**
 - c. Issue a notice to all City of Melville employees advising that a submission was made to the WA Legislative Council in their name and without the authorisation of the Council and that this submission does not reflect the position of the City of Melville. This notice should remind employees of their obligation to ensure that they take care to not represent their private views as views of the City of Melville, especially when they are senior employees of the City. It should make clear that while employees are within their rights to engage with Parliament as part of the democratic process in their personal capacity, it is not at all appropriate for groups of City employees to put joint submissions purporting to set out ‘the City’s’ positions to a Parliamentary body.**

17.1 Motion without Notice - Council Rejection and Abrogation of Submission Entitled "City Of Melville Administration Submission To Select Committee Into Local Government".

Procedural Motion

COUNCIL RESOLUTION

At 10:57pm Cr Wheatland moved, seconded Cr Robins

That the Motion - Council Rejection and Abrogation Of Submission Entitled "City Of Melville Administration Submission To Select Committee Into Local Government" proposed by Cr Kepert be deferred to the 10 December 2019 Ordinary Meeting of Council.

At 10:57pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

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

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 10:58pm.