

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL**

**TUESDAY, 20 OCTOBER 2020
WEDNESDAY, 21 OCTOBER 2020**

**AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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

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

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

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

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In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au/agendas in accordance with the provisions of the Policy.

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ITEMS BROUGHT FORWARD

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MOTION WITH NOTICE

17.1	Creation of New Policy Elected Members Access To Information (Item Brought Forward)
17.2	Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of Council (Item Brought Forward)
17.3	Suspension of Commenting on City of Melville Facebook Page (Item deferred)

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:34pm and invited Cr Glynis Barber to read the Acknowledgment of Country:

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

The Presiding Member requested Mr B Taylor, Manager Governance and Property to read aloud the Disclaimer and then Mayor, Honourable George Gear, advised that the meeting was being recorded for minute taking purposes and read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

Mayor Honourable George Gear advised that Cr Woodall was in attendance electronically with his approval.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr J Barton (Deputy Mayor)
Cr G Barber
Cr D Macphail, Cr N Robins
Cr C Robartson
Cr M Woodall (*from 8:30pm*)
Cr N Pazolli, Cr S Kepert
Cr K Mair, Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

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

At the commencement of the meeting, there were 13 members of the public in the Council Chambers and 12 members of the public and one representative from the Press in attendance electronically

4. ELECTION OF DEPUTY MAYOR 2020-2021

Acknowledging that the provisions of the *Local Government Act 1995* allow the person elected to occupy the position for a period of twenty-four (24) months, City of Melville Elected Members have previously indicated their desire to elect the Deputy Mayor for a period of only twelve (12) months to give as many Councillors as possible exposure to and experience that this role provides. Past protocol has established that Candidates after 12 months stand down (resign) from the position and allow another ballot to be conducted in October 2021.

At 6:35pm the Mayor advised that nominations had been received for the Office of Deputy Mayor from:

Cr Steve Kepert
Cr June Barton
Cr Karen Wheatland

and invited further nominations for the office of Deputy Mayor. No further nominations were received.

The Mayor closed the nomination process at 6.35pm and gave each of the candidates the opportunity to make a brief presentation to the meeting.

At 6:35pm Cr Kepert commenced a short presentation, which concluded at 6:38pm.

At 6:38pm Cr Barton commenced a short presentation, which concluded at 6:40.

At 6:40pm Cr Wheatland commenced a short presentation, which concluded at 6:41pm.

The Chief Executive Officer then conducted the Election in accordance with the provisions of the *Local Government Act 1995* and a secret ballot was conducted.

At 6:44pm Cr June Barton was declared Deputy Mayor from October 2020 to October 2021.

DECLARATION

The Mayor requested the newly elected Deputy Mayor to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the *Local Government Act 1995*, which was duly signed by the Deputy Mayor and the Mayor.

At 6:47pm Cr Barton, Deputy Mayor addressed the meeting.

5. APOLOGIES AND APPROVED LEAVE OF ABSENCE**5.1 APOLOGIES**

Cr Woodall – late arrival.

5.2 APPROVED LEAVE OF ABSENCE

Nil.

**6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)
AND DECLARATIONS BY MEMBERS****6.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE
CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS
PAPERS PRESENTED BEFORE THE MEETING.**

Elected Members indicated that information distributed late today had not been read.

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

Nil.

7. QUESTION TIME

7.1 Questions Received with Notice

7.1.1 Mr G Waugh, Bull Creek

Question 1

Question 1 has been summarised.

By what means, measure of performance or other identification can the community in the district of the City of Melville, assess the appointment and performance of the CEO?

Response

It is the role of the Council, as elected by the community, to be responsible for the employment of the CEO, and for monitoring their performance.

An independent and experienced recruitment firm is selected by Council, when required, to assist with the recruitment for the CEO position, using specified criteria that the Council determines based on the needs of the organisation and future requirements.

The Council undertakes an annual performance appraisal with the CEO against Key Performance Indicators and objectives as identified by the Council, and included in the CEO contract. The community of businesses and over 100,000 residents is advised of the performance of the organisation in the Annual Report that is published each year.

Question 2

Further questions posed by Mr Waugh were as series of personal opinion statements made about the performance of the CEO and City in changing the organisation culture. Mr Waugh has been corresponded with separately on this matter.

7.1.2 City of Melville Residents and Ratepayer Association Inc

Question 1

The following statement was made in relation to the question received:

On the 15 September 2020 the Melville Residents and Ratepayer Association asked five questions relating to an inappropriate image published by a user to the City's Facebook site. On the 6 October 2020 the Association asked at the Agenda Briefing Forum why the response had not been provided in the minutes or October agenda and the Association has now asked a further four questions relating to this matter.

The terminology used in the statements made and questions are considered to be not suitable for publication in the Minutes of the City. This is a personal and private matter between the City, the individual, and individual's representative. In the interests of the individual concerned the City propose that this matter not be aired in a public forum, such as public question time, as to not cause any further insult or harm to the individual.

7. *Question Time, City of Melville Residents and Ratepayers Association Inc, continued*

There are several actions underway in relation to this matter including a review the management of the City's Facebook page relating to images and comments and any offensive material included therein is being reviewed. The terms and conditions relating to the use and management of the City's Facebook page are available on the Facebook page itself and are amended from time to time as deemed suitable

The Mayor has written to the Association separately advising that as this is a sensitive private matter that it is better dealt with directly with the individual, outside of the public arena and not via a third party.

Question 2

- 1.3 *Why is some of the beginning audio missing from the 6 October ABF audio recording as provided on the City's website.*

Response

The meeting experienced technical difficulties with connecting to the audio for the Zoom broadcast, which is also used for the audio recording. In person and electronic attendees were advised and the issue was resolved as quickly as possible and the recording commenced.

Question 3

Further to 21 July OMC M20/5757 Late item - Financial Assistance Legal Representation Policy, our questions put to Council and subsequent media (including Fremantle Herald 1 September article 'Council divided by CEO Captains call on defamation aid);

- 1.1 *Has the relevant staff member's Supreme Court defamation action against the resident been finalised; if so, how has it been finalised and if not, what is the status (eg withdrawn or pending further hearings).*

Response

This is a personal matter and a question for the officer concerned.

Question 4

- 1.2 What was the total amount paid to McLeods for their work associated with the City supported staff member's defamation action against the resident.

Response

No payments were made to McLeods relating to work associated with the support of a staff member's action. Advice was sought from McLeods in relation to statements alleging that Senior staff of the City has assisted with corrupt and illegal activities.

7. *Question Time, City of Melville Residents and Ratepayers Association Inc, continued*

Question 5

- 1.3 *What was the total amount paid to Jackson Macdonald for their work associated with the City supported staff members defamation action against the resident (we note 29 June payment E082739 for \$3,000).*

Response

The total amount paid was \$3,000.

Question 6

- 1.4 *Has the City make any additional payments to anyone else in relation to the City supported defamation action against the resident.*

Response

No additional payments have been made.

Question 7

- 1.5 *What is the total amount of funds recovered, or to be recovered, from the Staff member. If the amount recovered was not the full amount funded by the City; as outlined above; why not?*

Response

The \$3000 assistance has been repaid in full by the staff member.

Question 8

- 1.6 *What will Council do if the Staff member has not fully reimbursed ratepayer for any funding the CEO provided to the Staff member in support of that Staff members defamation action against the resident.*

Response

Not applicable refer response to question 1.5 and the current Policy Clause 4 - Repayment of Assistance - clearly describes the requirements in relation to reimbursement.

Question 9

- 1.7 *Will Council consider changing its Legal Representation Policy as a result of any lessons learnt from this incident; e.g. will Council remove the CEO's delegated authority to provide any funding for such legal action.*

7. *Question Time, City of Melville Residents and Ratepayers Association Inc, continued*

Response

At the 21 and 22 July 2020 Council Meeting the Council resolved that the Council Policy CP-017 be presented at an Elected Members Information Session for review.

7.2 Questions Received without Notice

7.2.1 Ms J Edinger, Melville

Question 1

I read in this last weekend's Fremantle Herald that work is about to commence on the amenities building at Bert Jeffrey Oval. The only reason this amenity building is being constructed (sic) is because a cricket pitch was installed by the Applecross Cricket Club without any community consultation. Seeing as the amenities are being constructed for a single interest group, can the Council please advise

1. *Will the Applecross Cricket Club will be responsible for maintenance and upkeep of the amenities.*

Response

The construction of the amenity building at Bert Jeffery Park in Murdoch is required to facilitate all forms of use at the park irrespective of the sport, recreation and leisure use of the space. It is basic and essential infrastructure that is able to serve current use, such as the casual soccer group on Monday afternoons, junior soccer clinics on Saturday mornings, cricket on a Saturday afternoon or social family gatherings. It will also service future need.

The City will manage the facility and use of the amenity building will attract a hire fee that will contribute to facility maintenance.

Question 2

2. *Will the amenities block be open all times to all users?*

Response

The amenity building at Bert Jeffery Park will only be open when it is booked for use through the City.

Question 3

3. *Will the Council increase security patrols in the area to keep an eye on any unsavoury (sic) activity that may occur in or around the amenities block*

7. *Question Time, City of Melville Residents and Ratepayers Association Inc, continued*

Response

No, as per the above, the amenity building at Bert Jeffery Park will only be open when it is booked for use through the City. In line with current practices, the City's Community Safety Service monitors public spaces within the municipality and may increase the focus on a particular site where required.

Question 4

I refer to the question I asked at the July OMC regarding the online submission of questions, and the answer provided at the August OMC. The answer was altogether too perfunctory and did not actually answer the question "why the online public question time submission form that was available earlier this year is not currently available, and why there are special "State of Emergency" forms for Deputations and Public Question Time, both which are routine Council meeting items?" Whilst the format of meetings has been changed, due to the COVID emergency, there was no adequate explanation as to why the submission of documents changed from an easy to use online form. The need to email a Word document is a clunky process which essentially acts as an impediment for residents and ratepayers wishing to submit questions to Council. Can the Council please advise when the administration will be reinstating the online submission form for public question time questions?

Response

The online submission form for Public Questions will be reinstated in the very near future. Thank you for bring this concern to our attention.

7.2.2 Melville Residents and Ratepayer Association

Question 1

Last Tuesday Mayor Gear made a public statement in relation to the zoning of 114 Matheson Road Applecross, could you please clarify Mayor Gear's comments and explain exactly what the current R40 zoning rules for this Matheson Rd site would allow?

Response

This question will be taken on notice.

8. AWARDS AND PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES**9.1 ORDINARY MEETING OF THE COUNCIL – 15, 22 AND 29 SEPTEMBER 2020****Minutes 15, 22 & 29 September 2020**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15, 22 and 29 September 2020, be confirmed as a true and accurate record.

Procedural Motion

At 6:59pm Cr Kepert moved, seconded Cr Pazolli –

Cr Kepert requested that the minutes be amended to record (Page 114) that he withdrew his Motion with Notice 16.1 and 16.2 under the condition that both items be brought to the October 2020 Ordinary Meeting of Council.

At 7:05pm Cr Kepert withdrew his procedural motion.

Motion

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

That the confirmation of the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15, 22 and 29 September 2020, be deferred for consideration at the 17 November 2020 Ordinary Meeting of Council.

The Executive Manager Governance and Legal Services provided advice that the minutes could be accepted on the basis of the transcription tabled by the Administration and if further analysis of the audio recording indicates an amendment to the minutes is required this could be done at a future meeting. [Transcript – 22 September – Cr Kepert](#)

9. *Confirmation of Minutes continued*

COUNCIL RESOLUTION

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

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15,22 and 29 September 2020, be confirmed as a true and accurate record.

At 7:10pm the Mayor declared the motion

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

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

9.2 NOTES OF AGENDA BRIEFING FORUM – 6 OCTOBER 2020

COUNCIL RESOLUTION

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

That the Notes of Agenda Briefing Forum held on Tuesday, 6 September 2020, be received.

At 7:10pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

10. DECLARATIONS OF INTEREST**10.1 FINANCIAL INTERESTS**

- Cr M Sandford – Item T20/3876 – Attadale-Alfred Cove Master Plan Community Consultation and Plan Preparation. Proximity Interest.
- Cr G Barber – Item T20/3876 – Attadale-Alfred Cove Master Plan Community Consultation and Plan Preparation. Proximity Interest
- Cr C Robartson – Item M20/3850 – Ground Lease Agreement for Melville, Aged and Community Activity Centre. Financial Interest.
- Cr K Mair – Item P20/3873 – Draft Local Planning Policy Bonus Building Height – Canning Bridge Activity Centre. Financial Interest
- Cr K Mair – Motion Without Notice 18.2 Relocation of Southern Boundary of Canning Bridge Activity Centre Plan. Financial Interest.

10.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr N Robins – Item T20/3876 – Attadale-Alfred Cove Master Plan Community Consultation and Plan Preparation. Impartiality Interest
- Cr J Barton – Item P20/3873 – Draft Local Planning Policy Bonus Building Height – Canning Bridge Activity Centre. Interest Under the Code
- Cr G Barber – Item CD20/8137 – Mount Pleasant Bowling Club Review and Petition – Lease Mt Pleasant Bowling Club. Interest Under the Code
- Cr J Barton – Item CD20/1837 – Mount Pleasant Bowling Club Review and Petition – Lease Mt Pleasant Bowling Club. Interest Under the Code

11. DEPUTATIONS**11.1 Mr C Ross of Applecross and Mr C Sobejko of Applecross**

P20/3873 - Draft Local Planning Policy Bonus Height – Canning Bridge Activity Centre

11.2 Mr M Fitzgibbon of Melville

18.1 - Cr Sandford's Motion without Notice to Upgrade Non-Compliant Cycle Lane Markings at 79 Bus Stops

12. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7:14pm Cr Barber moved, seconded Cr Mair –

That the application for new leaves of absence submitted by Cr Wheatland and Cr Macphail on 20 October 2020 be granted.

At 7:14pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 7:14pm Cr Pazolli left the meeting and returned at 7:15pm

13. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- Confidential Item M20/3850 – Ground Lease Agreement for Melville Aged and Community Activity Centre

That the meeting be closed to members of the public, if required, to allow for items deemed confidential in accordance with Sections 5.23 (2) of the *Local Government Act 1995* to be discussed behind closed doors.

14. PETITIONS

14.1 Petition – Reconsider Council decision to construct Amenities Building at Bert Jeffery Park – Move Applecross Cricket Club (ACC) to Shirley Strickland Reserve

A petition signed by 250 residents was received by the City of Melville on Thursday, 24 September 2020.

Further pages to the petition were received on 19 October 2020 with additional signatures from 80 residents and 7 non-residents.

The petition signed by a total of 330 resident and 7 non-residents reads as follows –

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

The Council has determined Applecross Cricket Club (ACC) only require a smaller field with a 50 – 60 metre playing boundary, and not the 68 metre playing boundary as canvassed over the last four years by the ACC and the City of Melville.

Due to the fact that there already are facilities at Shirley Strickland Reserve, the 50 – 60 metre playing field can be accommodated there and the ACC play at the venue, it is requested the City of Melville reconsider their decision to construct an amenities building at Bert Jeffery park and resolve to move ACC to the Shirley Strickland Reserve and not waste approximately half a million dollars of ratepayers funds for an amenity building at Bert Jeffery Park. It is in the best interests of the Club and the community to place the cricket turf for the ACC at the Shirley Strickland Reserve particularly as the ACC are already located at Shirley Strickland Reserve."

OFFICER RECOMMENDATION

APPROVAL

At 7:16pm Cr Wheatland moved, seconded Cr Kepert –

That the petition bearing 330 signatures of residents and 7 signatures of non-residents be acknowledged.

14. *Petitions, Bert Jeffery Park continued*

Amendment

At 7:16pm Cr Sandford moved, seconded Cr Barber -

That the officer recommendation be amended to include the words “and report be prepared and presented to the November 2020 Ordinary Meeting of Council” after the word “acknowledged”.

At 7:27pm the Mayor declared the motion

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

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

14. *Petitions, Bert Jeffery Park continued*

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:16pm Cr Wheatland moved, seconded Cr Kepert –

That the petition bearing 330 signatures of residents and 7 signatures of non-residents be acknowledged and report be prepared and presented to the November 2020 Ordinary Meeting of Council.

At 7:29pm the Mayor declared the motion

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

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

At 7:23pm Mr Hitchcock left the meeting and returned at 7:25pm.

At 7:29pm Cr Mair presented tabled an further pages to the Petition – Lease Mount Pleasant Bowling Club, considered at the 15, 22 and 29 September Ordinary Meeting of Council signed by an addition 134 signatures from residents of the City of Melville and 37 non-residents, the petition reads as follows:

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

1. Extend and vary the current Lease agreement with the Mount Pleasant Bowling Club MPBC) to provide an extended lease period of 21 years with a 21 year option; and
2. Renovate and extend the Clubhouse to update the facilities including the provision of facilities for the disabled and vary the conditions of use to allow wider community usage; and
3. Completely waive any outstanding debts or liabilities owed by the MPBC to the City of Melville. The reasons are that the MPBC is a valued community facility that has provided a service to the community for nearly 60 years and because of increased densification and a growing population, this community facility that provides indoor and outdoor recreation that suits all ages is vital and must be retained and improved so that it continues to provide services into the future.”

15 REPORTS OF THE CHIEF EXECUTIVE OFFICERDisclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	I will be a director of a property of a company that owns property in this area
Request	Leave
Decision	Leave

Member	Cr Barton
Type of Interest	Stay, discuss and vote
Nature of Interest	Relate owns a unit in Forbes Road Applecross
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 7:30pm having declared an interest in this matter Cr Mair left the meeting.

At 7:30pm Mr Ross and Mr Sobejko entered the Chambers for the purpose of making a deputation in relation to Item P20/3873 – Draft Local Planning Policy Bonus Building Height – Canning Bridge Activity Centre [Mr C Ross - Deputation on Item P20 Local Planning Policy](#).

COUNCIL RESOLUTION

At 7:41pm Cr Wheatland moved, seconded Cr Kepert –

That the Mr Sobejko be granted a further 5 minutes to speak on this matter.

At 7:41pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

The presentation concluded at 7:44pm. At 7:48pm Mr Ross and Mr Sobejko departed the Council Chambers.

P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)

Ward	: Applecross- Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Consideration of Commencement of Advertising of a Local Planning Policy
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	: Council Report P19/3810 Adoption of Local Planning Policy – CBACP – Bonus Building Height Provisions, Ordinary Meeting of Council 20 and 27 August 2020. Item 17.3 Motion Without Notice: Canning Bridge Activity Centre Plan, Ordinary Council Meeting 10 December 2019. Item P19/3848 Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height, Ordinary Council Meeting 21 April 2020. Council Report P20/3853 – Progress on Local Planning Policy – CBACP – Bonus Building Height – Special Council Meeting 4 May 2020.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council at its meeting on 10 December 2019 supported a Notice of Motion to engage an external planning consultant to prepare a draft Local Planning Policy (LPP) relating to bonus heights in the CBACP.
- External planning consultants were appointed in mid February 2020 following a request for quote process which closed on 30 January 2020.
- The draft LPP has now been prepared following stakeholder engagement and a series of workshops with Elected Members.
- The draft LPP responds to the project brief and is now presented to Council to consider commencement of advertising.
- Advertising of the draft LPP is recommended however modification of the LPP to remove references to “voluntary financial contributions” is suggested at this stage.
- Should the draft LPP be supported for progression to the advertising stage, it would be advertised for not less than 21 days. At the conclusion of the advertising period the draft LPP would again be presented to Council to determine if it is to be proceeded with.

BACKGROUND

Council in early 2019 previously explored the opportunity to use a Local Planning Policy (LPP) to provide additional clarity to the process for awarding bonus height under the CBACP (Elements 21 and 22). The request to consider a LPP acknowledged that the approval pathway for a LPP is likely to be quicker than that for an amendment to the CBACP. Draft LPP 1.18 was prepared in response to the Council's request and included:

- *Identification of Required Documentation* – To assist the assessment process, specific information required to be submitted by an applicant was identified to demonstrate the need and level of benefit provided by proposed bonus items.
- *Introduction of Performance Criteria* – The LPP provided additional clarity on what was expected by the CBACP under Elements 21 and 22 through the introduction of a statement of intent for each sub element, together with a series of performance criteria. These items provided additional understanding in measuring how well a bonus item responded to the expectations of the CBACP.
- *Identifications of a Limit to Bonus Height*: - Whilst an LPP is not able to introduce height controls inconsistent with the CBACP, the draft Policy, in responding to a Council desire for control of building height, attempted to interpret the desired built form anticipated by the CBACP through a concept of “Threshold Heights”. The Policy sought to require development seeking building heights greater than the thresholds to meet additional performance criteria.

Reporting on draft LPP 1.18 noted the relationship between a policy and a higher order planning instrument such as the CBACP, in particular the limitations on what a policy could achieve. In the context of the CBACP, it was reported that a LPP may provide additional guidance and clarity on the interpretation of the intent of the CBACP and/or the exercise of discretion under the CBACP. A LPP is required to be consistent with higher order legislation including the CBACP and Local Planning Scheme 6. In particular, with respect to the CBACP, a LPP may not introduce specific restrictions such as height limits or density controls.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)**

At its meeting on 20 August 2019 Council resolved not to proceed with the draft LPP.

At its meeting on 10 December 2019 Council supported a Notice of Motion to engage an external planning consultant to prepare a draft Local Planning Policy (LPP) relating to bonus heights in the CBACP. Key matters to be addressed by the LPP as specified by Council comprised:

- a) Clarifying the information to be submitted with development applications seeking bonus height;
- b) Defining the correlation between community benefit and bonus height for new developments in the M10 and M15 zones; and
- c) Introducing corresponding provisions to guide the exercise of discretion when assessing and determining development applications seeking bonus height.

DETAIL

In accordance with the Notice of Motion, external consultants were invited to submit quotes on the preparation of the LPP with a closing date of 30 January 2020. Following assessment of submissions a consultant was engaged mid February 2020.

The preparation of the LPP involves three main stages:

- Review of previous LPP 1.18
- Preliminary Engagement with stakeholders to understand key issues
- Preparation of the LPP (including review, engagement, modification)

The draft LPP has responded to the scope items identified by Council:

- a) Clarifying the information to be submitted with development applications seeking bonus height;
- b) Defining the correlation between community benefit and bonus height for new developments in the M10 and M15 zones; and
- c) Introducing corresponding provisions to guide the exercise of discretion when assessing and determining development applications seeking bonus height.

In summary the draft LPP includes the following approaches/components:

Introduction, Objectives and Process:

- Outline of Policy scope and objectives
- Outline of Policy structure and relationship to other planning instruments

Assessment of Applications:

- Establishment of a Community Infrastructure Committee –aimed at enhancing the understanding the need and merit of community benefits.
- Additional clarity regarding the role of Design Review procedures in the assessment of bonus height.
- Additional clarity and requirements regarding the pre-lodgement process for applications involving bonus height.
- Additional clarity on the information required to be provided by applicants in support of applications for bonus height (Design Verification Statement)

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)****Bonus Height Assessment Provisions:**

- Introduction of a three tier approach to the assessment of design quality
- Introduction of a three tier approach to the assessment of merit of community benefit items.
- Introduction of opportunity for a financial contribution in lieu of provision of community benefits in limited circumstances.
- Introduction of bonus height guidelines (% extent of potential bonus height) for each item under Element 22 with different guidelines depending on whether Tier 2 or Tier 3 standards had been met.
- Identification of an overall height guide.

Policy Statement

- Specific guidance with respect to the interpretation of the intent, application and required documentation associated with each part of Elements 21 and 22.

Content of the draft LPP was the subject of Elected Member Workshops held 28 July 2020 and 20 August 2020. The draft LPP is attached.

3873 Local Planning Policy LPP1.20 – Bonus Building Height**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

This item seeks Council's consideration of commencing advertising of a draft LPP for public comment. The results of this engagement will then inform the finalisation of the LPP and its consideration for approval.

The preparation of the draft LPP has included preliminary stakeholder engagement. A Stakeholder Outcomes Report summarises this preliminary engagement process.

3873 Stakeholder Outcomes Report

Key stakeholders engaged included:

- Stakeholder Working Group (SWG) – a working group was formed to assist the preparation of the LPP. Due to the required timeframe for the project, the working group membership was formed via invitation of individuals who participated in the engagement process of previous draft LPP 1.18 in 2019. The SWG was involved in three workshops relating to the scope of the LPP preparation. A further workshop was held to outline the content of the draft LPP. Input from the SWG, including a draft policy prepared by the group, has been considered by the consultants in the preparation of the draft LPP.
- Officers from Department of Planning, Land and Heritage (DPLH) – overview of issues and possible responses.
- City of South Perth – overview of issues and approaches.
- Elected Members – EMIS workshops held 14 and 20 April 2020. Feedback from the workshops has informed the preparation of the draft LPP. Two further workshops were held on 28 July 2020 and 20 August 2020 to work through the draft LPP.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

City of South Perth and Department of Planning, Lands and Heritage were involved in preliminary engagement on the LPP (see above).

It is noted Elected Members sought the advice of the WAPC on the preparation of a LPP on bonus building height in the CBACP. In particular advice was sought on a draft LPP which had been independently prepared by members of the project Stakeholder Working Group (SWG). The advice from the Chair of the WAPC confirms the limited role of an LPP, in particular the inability for a LPP to introduce restrictions on building height and density. The WAPC also notes that the issues of dealing with bonus building height are best dealt with through the current review of the CBACP.

In relation to the LPP prepared by the SWG the WAPC advise of the following key issues (in summary):

- The proposed maximum bonuses are inconsistent with the April 2020 decision by the WAPC in response to a proposed amendment to the CBACP. Whilst maximum bonuses may be explored they would require support of built form study and then inclusion in the CBACP (not LPP).
- Introduction of maximum densities is inconsistent with the CBACP and would require amendment to LPS6.
- Additional design requirements are above and beyond what is currently prescribed in the CBACP (inconsistent with CBACP).
- Minimum site area requirements are more onerous than that in CBACP (inconsistent with CBACP).
- Community benefit requirements are more prescriptive than those currently in the CBACP (inconsistency) and would need to be informed by a community needs assessment.
- The points system for recognition of community benefits is potentially more onerous than current CBACP provisions (inconsistency).

The WAPC has also provided advice with respect to the external consultant prepared LPP as follows:

- The Design Quality scaling Table is inconsistent with the CBACP.
- Introduction of an additional “exceptional design” tier (Tier 3) to be eligible for a height bonus exceeds the current CBACP requirements (inconsistency).
- The voluntary financial contributions option (in lieu of community benefits) in the LPP should be aligned with the principles expressed in State Planning Policy SPP 3.6 – Development Contributions for Infrastructure and provisions given additional statutory support such as through inclusion in LPS6.

The WAPC advice indicates that the major components of the SWG prepared LPP are outside the capabilities of a LPP. The advice regarding the external consultant prepared LPP are discussed in the “comments” section below.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Local Planning Scheme 6 and the Planning and Development (Local Planning Schemes) Regulations establishes the approval process and advertising requirements for a LPP. If progressed, the LPP is required to be advertised for a period of not less than 21 days. At the conclusion of the advertising period the local government is required review the LPP in light of any submissions made and decide whether or not to proceed with or modify the policy.

A local government may prepare a LPP in respect to any matter related to the planning and development of the Scheme Area. The requirements relating to the preparation of a local planning policy are outlined in Planning and Development (Local Planning Schemes) Regulations 2015. The Regulations are prepared pursuant to the Planning and Development Act 2005.

LPPs are “due regard documents”, meaning that their content is to be taken into account in assessment processes and decision making, but that the local planning policy content is not mandatory and not able to restrict the exercise of discretion provided for under higher order planning instruments (such as the Scheme, State legislation or Activity Centre Plans).

The primary role of a LPP is to clarify the local government’s intent with respect to interpretation of matters related to the planning and development of existing higher order planning instruments and/or to guide the exercise of discretion with respect to planning and development requirements. In this sense a LPP is more of a “guide” to existing regulation than an instrument to set the Council’s “policy” on a matter.

As outlined above, the Regulations require that the LPP, in providing this additional clarification and/or guidance, maintains consistency with the local government’s planning framework (local planning strategy, local planning scheme, activity centre plans etc) and State planning requirements. A local planning policy which introduces content that is not consistent with the planning framework, and in particular is not consistent with the content or allowances of a higher order planning instrument, would not meet this requirement. A local planning policy not demonstrating consistency with the planning framework would be invalid and/or would be likely to be given little or no regard by a decision maker.

In addition to this need for consistency with the local planning framework, the Regulations require a local planning policy to be based on “sound town planning principles”. A local planning policy that arrives at clarifications or guidelines that are not demonstrated to be supported by sound town planning principles would not meet the requirements of the Regulations and again would be invalid and/or would be likely to be given little or no regard by a decision maker.

Further, State Planning Regulations require the Western Australian Planning Commission to be notified where an LPP is inconsistent with any State Planning Policy.

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FINANCIAL IMPLICATIONS

The implementation of the draft LPP will require the preparation of a Community Infrastructure Plan (CIP). The CIP would be an agreed upfront plan which identifies the appropriate and required community infrastructure for particular locations. The CIP would also establish procedures for when a voluntary contribution in lieu of community infrastructure may apply (if voluntary contributions are to remain in the draft LPP). The CIP would be informed by work already undertaken with respect to community needs analysis in Canning Bridge. To expedite the preparation of a CIP it may be necessary to outsource some tasks. Funds are currently not budgeted for this project however opportunity may exist to re-allocate existing project funding.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP, and in particular the Council's decision to commence a review of the Plan, aligns with the City's Vision, "*Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future*". Further, the CBACP responds to the key priorities identified in the Corporate Business Plan in particular Priority 2:

"Improve the approach for diverse and sustainable urban development and infrastructure".

Under Priority 2 from the Corporate Business Plan, key strategies are:

1. Implement innovative, efficient and appropriate initiatives that support community centred infrastructure with integrated transport solutions.
2. Enhance amenity and vibrancy through place-making and creating well designed and attractive public spaces.
3. Optimise the capability and liveability of activity centres with consideration to the expectations of our community.
4. Enhance regulatory and approval frameworks to ensure sustainable building infrastructure.

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
Delay in preparation of LPP may reduce clarity and guidance with respect to awarding of bonus height in CBACP.	Moderate consequences which are possible, resulting in a Medium level of risk	Expected delay to LPP is not substantial given proposed solutions. Existing legislation and planning framework provides guidance and clarity.
Modifications are proposed to the LPP which are outside of the limited role of a policy, rendering the LPP ineffective.	Major consequences which are possible, resulting in a High risk.	The LPP prepared by the Consultants has been assessed as meeting the requirements of an LPP. The content of any modification to the prepared LPP should be consistent with the planning framework.

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Risk Statement	Level of Risk	Risk Mitigation Strategy
For major developments applicants may choose to lodge applications directly with WAPC under State Significant Development legislation, minimising the opportunity for the LPP provisions to guide the decision making process.	Moderate consequences which are possible, resulting in a Medium level of risk	The significant development assessment pathway is an option for applications with a cost of \$20 million or more or 100 or more dwellings or a minimum 20,000m ² nett lettable area. In determining applications the WAPC is not bound by a LPP. Under the significant development assessment pathway, a LPP based on sound town planning principles is more likely to be given regard in the decision making process.

POLICY IMPLICATIONS

A properly prepared LPP would assist the operation of the Local Planning Scheme 6 and the CBACP. Content and themes within the LPP may inform the current review of the CBACP and could potentially be incorporated into future modifications to the CBACP

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Feedback through the preparation of the draft LPP has indicated interest in considering modification to the draft LPP content. As noted above, the operation and content of a LPP is restricted by planning legislation. A LPP may provide clarity and guidance but must maintain consistency with the content and intent of higher order planning instruments. Modification to the draft LPP content may be possible, but to ensure the LPP is useful in the planning decision making process such modifications would need to maintain compliance and consistency with the relevant legislation. Should modification to the draft LPP be proposed, it would be prudent to give consideration to whether or not the content maintains consistency with higher order legislation and/or whether the content meets the requirements of being “properly prepared” and based on sound town planning principles. Legal advice may be needed to determine if any proposed modifications to the draft LPP meet these requirements.

Where more substantial changes to the planning controls at Canning Bridge are proposed, these would need to be accommodated by modification to the higher order planning instruments. The current review of the CBACP is not constrained by the limitations of a LPP and is the recommended approach to explore substantial changes to the planning controls.

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It is noted also that many development applications to which the LPP would apply are likely to qualify for consideration under the State Government's significant development legislation (cost of \$20 million or more or 100 or more dwellings or a minimum 20,000m² nett lettable area). These applications would be determined by the WAPC with the City's role limited to providing comments on a proposal as a referral agency. In making decisions, the WAPC is required to have regard to the normal planning framework, but is not bound by local planning schemes, activity centre plans, LPPs and the like. For applications being assessed under the state significant development stream, there would be opportunity for the City to provide comment on how well a development performs against instruments such as LPS6, the CBACP and relevant LPPs. The assessment and the assessment process are however undertaken by the state government. Opportunity for input from the City's standard assessment processes (design review, community benefit assessment and/or additional steps proposed by a LPP) and regard had to such processes are likely to be reduced.

It is expected that the complexity of a City's development application assessment process and associated planning instruments may impact upon an applicant's decision to lodge an application with the local government or to elect to use the state significant development assessment stream.

Possible alternative options regarding the draft LPP content and their implications are discussed below:

Possible Alternative LPP Content	Implications	Comment
Introduction of restrictive height controls in LPP not consistent with CBACP	<ul style="list-style-type: none"> The CBACP under Desired Outcomes and Bonus Height Provisions establishes intent with regard to a hierarchy of building heights. This intent was recently reinforced with the WAPC decision (7 April 2020) on a proposed height cap amendment for the CBACP whereby a proposed 13 storey limit in M10 and a 20 storey limit in M15 was not supported by WAPC. Instead a 15 storey limit was approved for lots in the M10 zone immediately interfacing with the H8 or H4 zones. An LPP which sought to restrict height to levels not in keeping with that provided for within the CBACP (through either a height cap, height guide or unrealistic performance requirements) is likely to be viewed as going beyond the 	<ul style="list-style-type: none"> Introduction of new controls on building height would require comprehensive built form studies and approval of changes to the CBACP or LPS 6. The current review of the CBACP provides a suitable mechanism to explore achievement of additional height control.

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Possible LPP Content	Alternative	Implications	Comment
		<p>scope of a LPP and accordingly may be given little or no regard by a decision maker.</p> <ul style="list-style-type: none"> Depending upon the nature of a restrictive height control the LPP may be deemed to be in conflict with State Planning Policy, potentially triggering a need to notify the WAPC. 	
Introduction of controls in LPP which restrict dwelling density/align with dwelling targets.		<ul style="list-style-type: none"> The CBACP does not envisage control of development intensity based on dwelling density or progress towards targets. These measures would be matters that would be taken into account in adjusting activity centre controls at review intervals. Controls within a LPP which seek to limit development intensity based on dwelling density and/or distribution of targets are likely to present an inconsistency with the CBACP. This type of inconsistency is likely to render the LPP invalid and/or limit the regard had to the LPP by a decision maker. Density control in the CBACP presents a conflict with the Residential Design Code approach to regulation of apartment buildings. This conflict with State Planning Policy is likely to trigger need to involve WAPC in the LPP determination. 	<ul style="list-style-type: none"> Introduction of new controls on development intensity aligning with development targets and/or dwelling density limits would require investigation and approval of changes to the CBACP or LPS 6. The current review of the CBACP provides a suitable mechanism to explore achievement of these types of development controls.

P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)

Possible Alternative LPP Content	Implications	Comment
Introduction of minimum site area requirements in excess of those currently provided in the CBACP.	<ul style="list-style-type: none"> Minimum lot sizes to qualify for consideration of bonus height are identified in the CBACP. Identification of more onerous lot size requirements would present a conflict with the CBACP. This inconsistency would impact the validity of the LPP and may result in it being given little or no regard by a decision maker 	<ul style="list-style-type: none"> Introduction of new controls to explore the relationship between the capacities of different lot sizes to accommodate different scale of development is a valid planning consideration. The approach however would require detailed built form investigations and ultimately approval of changes to the CBACP or LPS 6. The current review of the CBACP provides a suitable mechanism to explore these types of development controls.
Introduction of changes to make up of Design Review Panel such as adding a community member	<ul style="list-style-type: none"> The make-up and operation of Design Review Panels are guided by State Planning Policy. Introduction of a community member on such a panel would not be in keeping with the State guidelines. Modification of the LPP to require community representation on the Design Review Panel would be likely to represent a conflict with State Planning Policy (including SPP 7) requiring involvement of the WAPC in the LPP. 	<ul style="list-style-type: none"> State Planning Policy and associated guidelines describe the purpose and intended membership of design review panels. Membership of design review panels is to comprise independent experts with the purpose of informing the decision making process. A panel is not to be a committee of Council. Including Elected Members and/or community members in a design review panel would be inconsistent with State guidelines.

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BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)**

Possible Alternative LPP Content	Implications	Comment
Introduction of community member on a Community Benefit Assessment Panel	<ul style="list-style-type: none"> The LPP prepared by the external consultant proposes preparation of a Community Infrastructure Plan (CIP) and that the content of the CIP provide guidance on consideration of proposed community benefit contributions pursuant to Element 22 of the CBACP. This approach provides clarity in the assessment process. The approach also avoids logistical issues in terms of the requirement to meet statutory timeframes for determination of development applications. 	<ul style="list-style-type: none"> The notion of inclusion of community representation in the assessment of bonus building height reflect concerns that the CBACP may be deficient in guiding this assessment process. The more efficient and sustainable solution to these concerns is to address these deficiencies in the CBACP. The current review of the CBACP provides a suitable mechanism to explore and respond to this issue.
Changing status of Community Benefit Panel to a formal Committee of Council	<ul style="list-style-type: none"> A LPP could seek to provide for this option as part of the assessment process for proposals seeking bonus height. A Committee may comprise: <ol style="list-style-type: none"> council members only; or council members and employees; or council members, employees and other persons; or council members and other persons; or employees and other persons; or other persons only. A Committee including community members may not be granted delegated authority on planning matters. A decision by a Committee without delegated authority would not be binding on Council officers A Committee which seeks to take on a design advisory 	<ul style="list-style-type: none"> Proposals to expand the rigor of elected member and community representation in the assessment of bonus building height reflect concerns that the CBACP may be deficient in guiding this assessment process. The more efficient and sustainable solution to these concerns is to address these deficiencies in the CBACP. The current review of the CBACP provides a suitable mechanism to explore and respond to this issue.

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Possible LPP Content	Alternative	Implications	Comment
		<p>role would be subject to the State Design guidelines for design advisory panels. Accordingly its membership would be limited to independent technical experts.</p> <ul style="list-style-type: none"> • A key logistical consideration regarding the notion of a Committee approach for the assessment of the merit of community benefits during the assessment of development applications the requirement that statutory timeframes for the assessment of development applications are met. • The level of complexity in the local government assessment process may potentially influence an applicant's decision to consider the significant state development application stream. • The state government may also have a view as to whether the approach is in keeping with its Action Plan for Planning Reform which seeks to simplify the planning system. This may be determined to be an inconsistency with state policy and may trigger involvement of the WAPC in the LPP process. 	

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Possible Alternative LPP Content	Implications	Comment
Not proceed with LPP and focus on review of CBACP	<ul style="list-style-type: none"> • Would enable resources to be focused on review process which is not constrained by the limitations of a LPP and accordingly is able to consider additional restriction on built form. • Would enable focus of community engagement and community expectations on one sustainable solution under the CBACP review as opposed to a staged approach (LPP and then amended CBACP). • A LPP has the advantage of providing opportunity to introduce guidance and clarity on existing CBACP content in a shorter timeframe. 	<ul style="list-style-type: none"> • Review of CBACP provides opportunity to respond to control of development intensity. • If LPP was not proceeded with then work completed to date would still be utilized to inform the CBACP review process.

COMMENT/CONCLUSION

The draft LPP responds to the project scope identified by the Council. The LPP enhances clarity as to what is required to be included in a development proposal to qualify for the consideration of awarding of bonus height. In particular the draft LPP enhances clarity with respect to the proportionality between the level of response to Elements 21 and 22 of the CBACP and the extent of bonus height warranted. The following issues are noted with respect to the draft LPP:

Complexity:

The draft LPP is lengthy and complex. This is largely a reflection that the LPP is seeking to provide a level of guidance that is perhaps not well suited to a policy approach. The LPP seeks to provide additional clarity in relation to proportionality in the relationship between the merit of a development and the amount of bonus height awarded. Seeking to achieve a meaningful level of proportionality without directly limiting height, density or conflicting with provisions of the CBACP results in a range of new measures and processes contributing to complexity. Changes directly to the CBACP or LPS 6 are not as constrained by the limitations of a LPP and may achieve the desired results with a more simplistic approach.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)***Community Infrastructure Plan:*

It is noted that the draft LPP is reliant upon the creation of a Community Infrastructure Plan (CIP) to assist in the assessment of the merit of community benefit proposals. The requirement for detailed community needs assessment was also flagged in the advice from the WAPC. Much of this community needs works has now been completed. The current review of the CBACP will also seek to finalise a position on community needs. In this context it is considered that assessment of bonus height applications prior to the completion of the CIP (and associated finalization of community needs assessments) remains achievable. The CIP however remains to be prepared and endorsed as a priority to enable the LPP to become fully operational.

Design Quality Scaling:

The LPP introduces a three tier approach to the assessment of design quality. Tier 1 relates to high quality design required to be met by all development; Tier 2 represents the minimum standard to be considered for bonus height; Tier 3 introduces a further level of design which if achieved, may qualify for larger magnitude of bonus height. The WAPC have flagged this approach as presenting an inconsistency with the CBACP. The City's interpretation is that the three tiered approach to the assessment of design quality is within the capability of the LPP. The approach is consistent with the CBACP in that the height hierarchy envisaged by the CBACP is maintained and realistically achievable. The CBACP identifies a minimum design standard to be achieved to be eligible for bonus height. Once this threshold has been met, Tiers 2 and 3 as proposed in the draft LPP provide additional guidance on the proportionality between quality of design and extent of bonus height awarded.

Voluntary Financial Contributions:

The draft LPP has explored the notion of providing applicants with an option of a financial contribution in lieu of the provision of community infrastructure to achieve bonus height. The approach recognises that not all sites may be suited to the provision of substantial community benefits and acknowledges the potential benefits in the City accumulating funds to be expended on more meaningful benefits for the wider community. The draft LPP envisages additional work being undertaken to determine the scope and operation of the scheme. Whilst the approach has potential benefits for the precinct, it is perhaps a mechanism which requires more robust regulation than that which can be provided by an LPP. This view was shared by the WAPC in its advice on the draft LPP. Accordingly, it is recommended that the references to Voluntary Financial Contributions be removed from the draft LPP and that the concept be further investigated in the review of the CBACP.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)**

Throughout the preparation of this draft LPP (and the previous LPP 1.18) there has been discussion regarding the limited abilities of a LPP to introduce additional restriction on development in the CBACP. The desire to revisit the built form vision for the CBACP and to explore additional building height restriction is noted. A LPP however is not the correct instrument to seek a built form that is different to that allowable by the CBACP. A LPP that attempts to do that is likely to be given little or no regard by a decision maker. Whilst the guidance contained in the draft LPP introduces a degree of additional control in the awarding of bonus height it is considered that this is achieved in a manner which retains consistency with the intended built form envisaged by the CBACP. Investigation of more substantial modification to the built form controls at Canning Bridge would require amendment to the CBACP and/or LPS 6. The current review of the CBACP provides a suitable mechanism to respond to these issues.

It is recommended that the draft LPP be supported for the purposes of progressing to public advertising. As noted above, it is recommended that the sections of the LPP relating to Voluntary Financial Contributions be removed from the LPP ahead of advertising. At the conclusion of the advertising period the LPP would be presented to Council to enable consideration of submissions and to determination of next steps.

OFFICER RECOMMENDATION (3873)**APPROVAL**

That the Council:

- 1. 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 1.20 “Bonus Building Height”(Attachment 3873 Draft Local Planning Policy Building Height), subject to modification to remove reference/clauses relating to “voluntary financial contributions”, for the purposes of public consultation for a period of not less than 21 calendar days.**
- 2. Considers a future report on submissions and determination of next steps following the conclusion of the public consultation period.**

P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)

Officers provided an Advice Note on this matter [Reject and Replace Draft Local Planning Policy Bonus Building Height – Canning Bridge Activity Centre](#)

Reject and Replace

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

That the Council;

1. 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 prepared by the Stakeholder Working Group - 1.20 “Canning Bridge Activity Centre Plan - Density and Bonus Provisions” (as Attached), for the purposes of public consultation for a period of not less than 21 calendar days.
2. At the conclusion of the consultation period, reviews the draft LPP in light of any submissions received and determines whether to proceed with the LPP or proceed with a modified LPP.

At 7:52pm Cr Kepert left the meeting and returned at 7:53pm.

COUNCIL RESOLUTION

At 7:55pm Cr Barber moved, seconded Cr Barton –

That Cr Sandford be granted a further 10 minutes to speak on this matter.

At 7:55pm the Mayor declared the motion

CARRIED (10/1)

Vote Result Summary	
Yes	10
No	1

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

P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)

COUNCIL RESOLUTION

At 8:07pm Cr Wheatland moved, seconded Cr Macphail –

That the Cr Pazolli be granted a further 10 minutes to speak on this matter.

At 8:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 8:10pm the Mayor adjourned the meeting due to technical issues with the live broadcast audio.

At 8:17pm the Mayor resumed the meeting.

At 8:30pm Cr Woodall joined the meeting electronically.

Reject and Replace

COUNCIL RESOLUTION

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

That the Council;

- 1. 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 prepared by the Stakeholder Working Group - 1.20 “Canning Bridge Activity Centre Plan - Density and Bonus Provisions” (as Attached), for the purposes of public consultation for a period of not less than 21 calendar days.**
- 2. At the conclusion of the consultation period, reviews the draft LPP in light of any submissions received and determines whether to proceed with the LPP or proceed with a modified LPP.**

At 8:51pm the Mayor declared the motion

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

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

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)**Reasons for the Reject and Replace as provided by Cr Sandford

1. The initiative to prepare a Local Planning Policy was driven by widespread and persistent community complaints about the lack of clarity and controls in the provisions of the Canning Bridge Activity Centre Plan.
2. Similar concerns were expressed by developers, Planning Officers and the Members of the Joint Development Assessment Panel (**JDAP**).
3. On 10 December 2019 Council resolved to appoint an external consultant to prepare a draft LPP *"in consultation with the community"*. Consequently a Stakeholder Working Group (**SWG**) comprising some **14** highly qualified and well credentialed members of the community, including 3 professional property developers, was invited by the City to liaise with the consultant over some 3 sessions.
4. The draft LPP prepared by the external consultant has failed to obtain the support of the SWG in the preparation phase. Consequently, for the City to proceed to advertise a draft LPP, which has been strenuously rejected by the SWG, who are representative of the Community, defeats the purpose of having had SWG engagement and would amount to a waste of further community funds and time.
5. To progress to advertising the consultant's draft LPP for *"public consultation"*, after the consultant made it clear at the start of the SWG process that the community members could *"accept the consultant's process or leave"*, has the potential to damage the reputation of the Council in planning matters in the community, as it will add to the perception that community consultation processes are a mere token exercise.
6. The draft LPP prepared by the SWG succinctly and clearly addresses the community's key concerns. Having rejected the consultant's unsatisfactory draft policy, the community has diligently taken ownership of the matter. If the SWG policy is advertised for public consultation, the feedback obtained will either elicit additional support and/or express concerns, to be further considered by Council.
7. The WAPC have reviewed the draft SWG LPP and have not found any reason why the draft SWG LPP does not comply with the provisions of any State or Local Government Legislation or Planning Act or Regulations.
8. Comments on page 2 of the WAPC letter to the Mayor dated 23 September 2020 (**WAPC Letter**) that the LPP would: (a) require amendment to the R Codes in Local Planning Scheme 6; and (b) that the LPP clarification of *"height per storey"* is inconsistent with the CBACP, are inaccurate. Page 18 of the CBACP expressly states that: *"The R Codes do not apply in part or in whole to the CPACP area."* Furthermore page 19 of the CBACP already specifies the height per storey, and the SWG LPP does not alter the CBACP specification.
9. The WAPC Letter offers a non-binding opinion only, that the SWG's LPP is more prescriptive or onerous in parts than the CBACP. In order to effectively address the community's concerns in this matter, by necessity the LPP defines the specific objectives of the policy, then provides clear guidance, certainty, and controls to achieve the objectives.

**P20/3873 – DRAFT LOCAL PLANNING POLICY BONUS BUILDING HEIGHT – CANNING
BRIDGE ACTIVITY CENTRE (REC) (ATTACHMENT)**

10. It is noteworthy that the Officer's Recommendation suggests that the Council accept the introduction of a new Tier 3 "**exceptional design**" category for awarding bonus heights. This is in spite of the WAPC Letter concluding that: "*introducing an additional exceptional design tier exceeds the current CBACP requirement for development to achieve exemplary design to be eligible for a height bonus*", and so would be inconsistent with the CBACP.
11. The WAPC Letter concludes by stating that: "*the City should consider a simpler policy to guide the application of discretion and assignment of bonus heights*". The SWG's policy is far simpler, clearer, and shorter than the consultant's LPP. It delivers the exact outcomes that the community wants. The SWG policy does not prevent development, or inhibit the attainment of density targets. It will facilitate better and more orderly planning in the CBACP if adopted by Council.
12. The community have cried out for this LPP, and hard-working community members have taken it upon themselves to prepare the SWG LPP. As Elected Members, we should listen to, and represent, the community. To approve the consultant's LPP, which has been rejected by the community's representatives, the SWG, sends the community a message that the community's concerns and input are not valued and are to be disregarded.

At 8:52pm Cr Mair returned to the meeting.

At 8:52pm Mr Hitchcock left the meeting and returned at 8:52pm.

At 8:52pm the Mayor brought forward Motion Without Notice 18.1 (Cr Sandford) Upgrade of Cycle Lane Markings at Bus Stops, for the convenience of the public gallery.

At 8:52pm Mr M Fitzgibbon entered the Chambers for the purpose of making a deputation in relation to Motion Without Notice 18.1 – Upgrade of Cycle Lane Markings at Bus Stops [Mr Fitzgibbon Deputation Presentation](#). The presentation concluded at 9:04pm. At 9:08 pm Mr Fitzgibbon departed the Council Chambers.

Officers provided an Advice Note on this matter [Advice Note – 18.1 Upgrade of Cycle Lane Markings](#)

18.1 Upgrade of Cycle Lane Markings at Bus Stops

COUNCIL RESOLUTION

At 9:08pm Cr Sandford moved, seconded Cr Barber –

That the Council directs the CEO to request Main Roads Western Australia to forthwith carry out a standardisation compliance upgrade of all non-compliant on-road cycle lane markings at bus stops, to conform with the current Australian Standard AS 1742.9. 2018, “Manual of Uniform Traffic Control Devices, Part 9 Bicycle Facilities”, Austroads Guides “Cycling Aspects of Austroads Guides, and *Main Roads Standard Drawing No.200331-092-3 “Continuity Lines at Bus Bays”, which prescribes a yellow broken continuity line.

At 9:20pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reason for the Motion as provided by Cr Sandford

1. Given that more than 50 percent of fatal and serious injury accidents occur on Local Government roads, the Australian Standard 1742.9. 2018, Austroads Guides, and *Main Roads Standard Drawing “Continuity Lines at Bus Bays” provide necessary guidance for standardized line marking of on-road cycle lanes at bus stops, ie, a broken yellow continuity line. Despite these guidelines being in place since 2015, cyclists on City of Melville roads continue to experience unsafe conditions due to the existence of three conflicting signalling methods of line marking at bus stops, namely non-compliant solid white lines and broken white lines; and the compliant broken yellow lines
2. In August 2017 an experienced Palmyra cyclist, whilst riding west in a non-compliant on-road cycle lane at a bus stop in Marmion Street, Melville, near the intersection with Challenger Place, collided with the rear of a stationary bus stopped at the bus stop to disembark passengers. He had dispensation from wearing a helmet and suffered fatal head and neck injuries. The cycle lane marking at the time was a continuous solid white line, no different to the lane marking mid-block. The bus stop is only 24 metres from the intersection.

18.1 Upgrade of Cycle Lane Markings at Bus Stops

3. Whilst the bus stops in the section of Marmion Street where the fatality occurred have been since brought into compliance with the current Australian Standard and *Main Roads Standard with resurfacing of part of Marmion Street, the bus stops on the on-road cycle lane between Riseley Street and Rome Road, and between Justinian Street and Carrington Street, remain non-compliant with the Australian Standard 1472.9. and *Main Roads Standard Yellow broken continuity line.
4. The Safe System approach adopted through the Road Safety Commission in WA is underpinned by guiding principles which recognize that people make mistakes and may have crashes, but the Safe System should be forgiving. The 4 cornerstones of the Safe System are:
 - (a) Safe roads and roadsides.
 - (b) Safe speeds.
 - (c) Safe vehicles.
 - (d) Safe people.
5. Pavement markings, such as standardized on-road cycle lane marking, constitute a key element of safe system infrastructure to all road users. They relate to the safe roads and roadsides cornerstone. If a person makes an error, the removal of a single cornerstone should see the other three cornerstones compensate. Removal of two or more cornerstones increases the likelihood of a fatal or serious injury crash.
6. About **79** bus stops, or about **21%** of all bus stops in the City of Melville, have non-compliant marking of on-road cycle lanes at bus stops. This is inconsistent with the above cornerstone (a) of the Safe System.
7. A key community aspiration of the City Strategic Community Plan 2020 is to have safe and plentiful facilities for cycling within the CoM, for all ages, and safety is highlighted as a major priority. Duty of care by CoM is paramount. With Covid19 restrictions, there has been a huge increase in cycling and bicycle purchases, including the increased popularity of E-Bikes among the older demographic, worldwide.
8. The WA Auditor General's Report of October 2015, entitled "Safe and Viable Cycling in the Perth Metropolitan Area" concluded:

"Local Government roads and paths vary in design and level of maintenance, which do not always comply with relevant Australian Standards, Austroads, and other good practice guidelines, and create conflicting and less safe conditions for cycling infrastructure and require up-to-date and better practice."
9. By email to Mr Fitzgibbons dated 13 August 2020, Main Roads, as the approval and installation authority for bus stop cycle lane markings, confirmed that the decision to instigate standardized compliance upgrading of on-road cycle lane marking at bus stops to the current Standards, rests solely with the City of Melville.
10. Parents must have to struggle with how to advise vulnerable children how to interpret the various formats of cycle lane marking at bus stops, often on the same road, with many cycle lanes being feeders to schools, university, railway stations, and hospitals.

18.1 Upgrade of Cycle Lane Markings at Bus Stops

11. The peak cycling body, WestCycle, “supports consistency of the marking of bicycle lanes, marked shoulders and other cycling infrastructure such as shared paths to minimise confusion by all road and path users.”
12. Austroads “Implications of Pavement Markings for Machine Vision” advises “Greater consistency and quality in pavement markings will benefit not only automated vehicles but also all road users.”
13. The costs to the City of Melville for having the Main Roads Department install yellow broken continuity lines for the subject **79** non-compliant bus stops ranges from as little as **\$7,663.00** to **\$20,935** (depending on the nature of the installation), based on costings referred to in the City of Nedlands 2020 Technical Services Report, as referred to in Mr FitzGibbons’ deputation. This is a small price to pay for increased public safety. The public should not have to wait for scheduled road works at each individual bus stop location, which could take decades to complete all of the 79 bus stops, to be entitled to improved safety at all cycle lanes near bus stops.

Notes:

- a. Australian Standards provides specifications and procedures that ensure that products and services are reliable, and consistently perform the way they are intended. AS 1742.9:2018 “Bicycle Facilities” defines a Bicycle Lane as “A lane set aside for the exclusive use of bicycle traffic either full-time or part-time.”
- b. Austroads provides guidance documents that deal with the design, construction, maintenance and operation of the road network.
- c. *Main Roads Standard Drawing No. 200331-092-3 “Continuity Lines at Bus Bays and Left Turn Slip Lanes.” last revised 19 February, 2015, provides its authorised contractors, and LGAs, with detailed standardised advice on what is required when line marking continuity lines on the pavement.

At 9:09pm Cr Kepert left the meeting and returned at 9:13pm.

At 9:21pm the Mayor brought forward Item CD20/8137 – Mount Pleasant Bowling Club Review and Petition – Lease Mt Pleasant Bowling Club for the convenience of the public gallery.

Disclosures of Interest

Member	Cr Barber
Type of Interest	Interest Under the Code
Nature of Interest	On the Board of Melville Cares
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Barton
Type of Interest	Interest Under the Code
Nature of Interest	Patron and Former Board Member of Melville Cares
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

Ward	:	Central
Category	:	Strategic
Subject Index	:	Mt Pleasant Bowling Club, Recreation
Customer Index	:	Mt Pleasant Bowling Club
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	<ol style="list-style-type: none"> 1. Item 13.4 Petition – Lease Mount Pleasant Bowling Club 15 and 22 September 2020; 2. Item 16.5 Motion with Notice – Mount Pleasant Bowling Club Review – 10 December 2019; 3. CD20/8125 Tompkins Park Redevelopment Review - March 2020; 4. CD19/8114 Tomkins Park Review – 18 June 2019; 5. Item 16.2 Motion with Notice, Review of Redevelopment of Tompkins Park Facility – 21 May 2019; 6. P17/3764 Mount Pleasant Bowling Club Site Future Redevelopment – 22 August 2017; 7. CD17/8098 Tompkins Park Concept Plan – 20 June 2017; 8. P16/3724 Future Use of Mt Pleasant Bowling Club Site – 28 November 2016; 9. CD16/8088 Community Sport and Recreation Facilities Fund Annual Forward Planning Grants Round – 18 October 2016; 10. CD16/8089 City of Melville Lawn Bowls Strategy – 16 October 2016; 11. CD16/8081_City_of_Melville_Lawn_Bowls Strategy June 2016; 12. Item 17.2 Motion Without Notice Relocation of Mount Pleasant Bowls Club Other Options – 19 April 2016; 13. Item 17.1 Motion Without Notice The Future of Shirley Strickland Reserve – 13 October 2015; 14. Item 16.2 Motion Without Notice – Proposal to Commence Discussions re the Future of Shirley Strickland Reserve, Ardross, and Redevelopment of the Facilities There – 21 April 2015; 15. CD13/8053 Mt Pleasant Bowling Club Self Supporting Loan Condition Amendment – 20 August 2013; 16. CD12/8045 Mt Pleasant Bowling Club Self Supporting Loan Request – 17 April 2012; 17. D11/8037 Mt Pleasant Bowling Club Self Supporting Loan Request – 19 July 2011; 18. C07/8017 Mount Pleasant Bowling Club Self Supporting Loan – 18 December 2007.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Todd Cahoon Manager Healthy Melville

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (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 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>

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report provides a response to the Council 10 December 2019 resolution:

That the Council request the CEO to undertake research into previous Council resolutions relating to:

A the Mt Pleasant Club requests for financial support and requests to changes to financing commitments

B the relocation of the Mt Pleasant Bowls Club and the development of Club site, and

C the noting and endorsing the City of Melville Bowls Strategy Report, and provide a report to the Council on the implications, both financial and nonfinancial, of the Council rescinding previous motions relating to the relocation of the Mt Pleasant Bowls Club, which includes consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club and the noting and endorsing of the City of Melville Bowls Strategy Report.

- The report also provides information relating to:
 - An update on the status of the agreement with the State Government/Department of Lands to redevelop a portion of the site for housing and create the balance, being one third of the site as a public park.
 - Since the December 2019 Council resolution the City understands the Mt Pleasant Bowls Club has been working on a Business Case which includes a local community organisation to hire facilities for the provision of community services to older people, in order to generate income and another commercial rental/ lease proposal that is being pursued by the Club.
 - The current Reserve vesting of the site is for the use/purpose of "Bowling Club Site and Club Premises" and any other sporting, community or commercial uses would not necessarily be permitted under the land use purpose and the process that would need to be followed to amend the current vesting.
- This report also considers a petition signed by 749 residents of the City of Melville and 249 non-residents that was tabled at the September 2020 Ordinary Meeting of the Council meeting.

BACKGROUND

A listing of the previous Council resolutions relating to the Bowls Strategy and the financing arrangements, proposal to relocate the Mt Pleasant Bowls Club and the proposed use of the site are listed below.

In May 2019 a Council Motion regarding the Tompkins Park redevelopment was supported by the Council which contained the following resolutions:

That Council requests the Chief Executive Officer to:

- 1. Put on hold the further implementation of the redevelopment of the Tompkins Park facility pending a review by Council of redevelopment options and community requirements for the Tompkins Park facility.***

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

2. *Facilitate and arrange workshops and/or EMIS meetings for Council to consider the community requirements and redevelopment options including appropriate community consultation for the Tompkins Park facility as an input into the following review of the Tompkins Park facility.*
3. *Undertake a review of options for the redevelopment of the Tompkins Park facility taking into consideration and addressing:*
 - *the change in circumstances resulting from the Surf Wave Park Ground Lease should it not proceed;*
 - *the refusal of the Melville Bowls Club to shift to a new Tompkins Park Bowls facility;*
 - *the reduction in the numbers of Mt Pleasant Bowls Club members likely to join in a new Tompkins Park Bowls facility;*
 - *the financial status of the Mt Pleasant Bowls Club;*
 - *the financial status of the Tompkins Park Community and Recreational Association;*
 - *the financial sustainability of a re-organised Tompkins Park Community and Recreational Association with and without a Function Centre and/or café business;*
 - *the requirements for additional public open space and Dunkley Ave storm flood mitigation;*
 - *any other relevant considerations.*
4. *Provide a report to Council on the results of the review of the Tompkins Park facility for Council approval before any further work proceeds.*

Following this, in December 2019 a subsequent and related Council Motion was supported by the Council which contained the following resolutions:

That the Council request the CEO to undertake research into previous Council resolutions relating to:

- A the Mt Pleasant Club requests for financial support and requests to changes to financing commitments***
- B the relocation of the Mt Pleasant Bowls Club and the development of Club site, and***
- C the noting and endorsing the City of Melville Bowls Strategy Report,***

and provide a report to the Council on the implications, both financial and non-financial, of the Council rescinding previous motions relating to the relocation of the Mt Pleasant Bowls Club, which includes consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club and the noting and endorsing of the City of Melville Bowls Strategy Report.

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MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

Since this time officers presented the Tompkins Park Redevelopment Review report in March 2020 (CD20/8125) where Council resolved the following:

That the Council:

- 1. Does not proceed with the Tompkins Park Redevelopment as detailed in CD17/8098 – Tompkins Park Concept Plan. 8125_Tompkins_Park_Redevelopment***
- 2. Rescinds 3b of the resolution from item 8125_CD16/8089_City_of_Melville_Lawn_Bowls_Strategy being 3b. facilitate the Melville Bowling Club and the Mount Pleasant Bowling Club to amalgamate and relocate to a new facility at the expanded Tompkins Park Hub.***
- 3. Approves the allocation of \$3,060,000 from the Tompkins Park Redevelopment budget to the essential maintenance and improvements to the facilities at Tompkins Park Sporting Hub.***
- 4. Approves the allocation of \$300,000 for fire services or other compliance upgrades if the works are deemed to be required.***
- 5. Allocate the remaining funds approved by item 8125_CD19/8114_Tompkins_Park_Review to continuing the management model review and the revision of the initial Tompkins Park concept plan which will include appropriate community engagement within the next 12 months.***
- 6. Notes the current review and investigation process regarding the Mount Pleasant Bowling Club, as per 8125_Motion_With_Notice_Mount_Pleasant_Bowling_Club_Review.***
- 7. Directs the Chief Executive Officer to commence discussions with Mount Pleasant Bowling Club and Tompkins Park Community and Recreational Association regarding the establishment of payment plans to enable clubs to recommence loan repayments, noting payments will not commence until after the conclusion of the:
o Mount Pleasant Bowling Club Review; and
o Tompkins Park Operational Management Model Review.***

The above items and resolutions have an impact on implementing the direction in the December 2019 Council motion in terms of the potential future options for the Mount Pleasant Bowling Club and site.

In addition to the above items and resolutions a number of other past Council items and decisions are relevant to this report. They include the City of Melville Lawn Bowls Strategy, the Mount Pleasant Bowling Club Site redevelopment (redevelop site into residential lots and provide ~30% parkland) and various items regarding previous self supporting loan matters relating to the Mount Pleasant Bowling Club.

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

This report will discuss these matters as per the direction provided in the December 2019 motion.

At the September 2020 Council Meeting a petition was tabled signed by 749 residents of the City of Melville and 249 non-residents that reads as follows:

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

- 1. Extend and vary the current Lease agreement with the Mount Pleasant Bowling Club MPBC) to provide an extended lease period of 21 years with a 21 year option; and*
- 2. Renovate and extend the Clubhouse to update the facilities including the provision of facilities for the disabled and vary the conditions of use to allow wider community usage; and*
- 3. Completely waive any outstanding debts or liabilities owed by the MPBC to the City of Melville.*

This petition is also considered in this report.

DETAIL**December 2019 Council Motion – Implications of rescinding previous motions****1. Relocation of the MPBC**

In CD20/8125 (Tompkins Park Redevelopment review) the following was resolved by Council:

Rescinds 3b of the resolution from item 8125_CD16/8089_City_of_Melville_Lawn_Bowls_Strategy being 3b. facilitate the Melville Bowling Club and the Mount Pleasant Bowling Club to amalgamate and relocate to a new facility at the expanded Tompkins Park Hub.

The context of the term 'relocation' was in relation to the previously approved expanded Tompkins Park sporting hub (approx. 300m east of the Melville Bowling Club). The above resolution confirms that the decision to relocate MPBC to the Tompkins Park sporting hub has been rescinded.

It should be noted that the above rescission motion is not however a blanket decision that the Club is not to relocate in the future. There are a number of Council resolutions that remain in place regarding Bowling Clubs and the provision of bowls facilities which will be discussed under "3. City of Melville Lawn Bowls Strategy."

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)****2. Development of the MPBC site**

Significant work has been carried out since 2016 by the City's Strategic Urban Planning team regarding future use options for the MPBC site.

The following resolutions were made by Council for the item P16/3724 – Future Use Options of MPBC Site 28 November 2016:

That the Council:

- 1. Authorises the Chief Executive Officer to progress the negotiations with the Department of Lands to acquire the site being Lot 2018 (Reserve 27046) at 40 Bedford Road, Ardross or joint venture the development of the site and conduct all necessary due diligence, including necessary community consultation, and planning to ensure completion of the Business Case for approval by the Council prior to submission to the Department of Lands for the purpose of obtaining State Government Cabinet consent;***
- 2. Supports in principle the development of the site including the provision of suitable open space, and urban design and lot size comparable with the surrounding neighbourhood;***
- 3. Endorses the next step of the project to commence engagement with the community with a view to arriving at a suitable concept design for the site which will in turn inform the due diligence/Business Case phase.***

Following this resolution a comprehensive community engagement process was carried out in two stages:

Stage 1 was conducted from 15 February 2017 to 13 March 2017 and sought feedback on the future use of the site on the expectation that the bowling club would be relocated from the site.

Stage 2 was conducted from 18 July 2017 to 9 August 2017 and sought feedback on the three draft concept plans.

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Preferred Concept Plan:



Concept Plan 3, which contained 18 x R20 residential lots, 1 x R30 (6 dwellings) Over 55's grouped housing lot and 30% (4,269m²) public open space / parkland was the preferred option from the engagement process and was recommended to Council.

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The financial implications of the realisation of Concept Plan 3 are summarised as follows (extract from Council item):

Revenue	\$15,185,000
Costs	-\$9,836,000
Development Surplus	\$5,349,000
Shirley Strickland Upgrade Contribution	-\$6,264,000
Funding Surplus/Deficit	-\$915,000

The lots would also generate approx. \$60,000 p.a. in rates income.

The following was resolved by Council in P17/3764 on 22 August 2017 – MPBC Site Future Redevelopment:

That the Council:

- 1. Approves Concept Plan 3 as the preferred way to redevelop the site in future.***
- 2. Authorises the Chief Executive Officer to prepare a non-statutory Business Case, based on the preferred Concept Plan 3, and present the Business Case to progress negotiations with the Department of Lands regarding the purchase of the site in freehold from the State Government. This non-statutory Business Case is to be referred to an Elected Members Information Session for discussion, before being forwarded to the Department of Planning, Lands and Heritage.***
- 3. Following a decision from the Department of Lands that is supportive of the sale of the land, notes that a further report will be presented to the Council on a draft statutory Business Plan in accordance with the Local Government Act1995.***
- 4. Requests that the Chief Executive Officer advise all submitters and adjacent landowners in writing of the Council's resolution.***

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To date, all resolutions in both P16/3724 and P17/3764 remain as Council decisions.

The implications of rescinding all motions from P16/3724 and P17/3764 relating to the development of the current MPBC site would essentially result in negotiations with the State Government to acquire the site ceasing. The opportunity to provide diversified housing and have 30% of the site developed into quality public open space which is fully funded by the development would be lost.

Officers are of the view that what ever the future of the site holds, the 30% parkland / public open space is a key development principal that should be maintained in any and all options for the site given the strong community support for access to local and quality public open space.

3. City of Melville Lawn Bowls Strategy

The City of Melville Lawn Bowls Strategy was presented to Council at the June and October 2016 Ordinary Meetings of Council. The Council noted the future direction for the sport of Bowls in June 2016 and the additional supplementary information to the Lawn Bowls Strategy in October 2016.

The March 2020 Council Item discussed the Bowls Strategy in relation to the MPBC and the Melville Bowling Club (MBC). The following is an extract from the report:

Officers remain of the view that one bowling club in the north of the City is required and that Tompkins Park should remain the strategic location as identified and endorsed by Council as part of the Bowls Strategy 2016. Melville Bowling Club is within Tompkins Park and therefore can be seen as the logical northern site for bowls in the City into the future.

Council need to be aware that should both Clubs remain on their existing sites, there is the likely potential for significant capital requests to come forward from both clubs to upgrade their buildings and playing surfaces. Funding these requests would be difficult to justify as it would be at odds with City's funding principles and sets precedence for other specialised sporting venues managed by a single sport. Increased ongoing maintenance costs also need to be considered along with the capacity for Clubs to replace their assets such as synthetic bowling greens.

Noting that two resolutions from previous Lawn Bowls Strategy decisions were rescinded in the Tompkins Park Redevelopment review item (March 2020), the following outstanding resolutions relating to the City of Melville Lawn Bowls Strategy remain in place currently:

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

That the Council;

- 1. endorses the model of future Bowls facilities forming part of a sporting hub that provides contemporary bowls facilities and shared amenities with other tenants to accommodate larger numbers of bowlers in fewer facilities throughout the City.***
- 2. endorses as part of future long term strategic planning for Morris Buzacott Reserve, the option of colocation of Kardinya Bowling Club as a tenant of a sporting hub facility with capacity to grow with demand to provide the principle location for Bowls in the South of the City.***
- 3. Endorses Tompkins Park as the central northern site for any future development of lawn bowls in the north of the City of Melville.***
- 4. Directs the Chief Executive Officer to:
conduct planning for future Lawn Bowls facility provision within the City based on the future consolidated model that encourages and supports facility development at two central locations; Tompkins Park in the North and Morris Buzacott Reserve in the South of the City;***

The implications for rescinding the above resolutions can be summarised as follows:

- Not requiring Bowls facilities to form part of a shared use facility, with co-location of a number of clubs in a sporting hub
- Removing the Kardinya Bowling Club as the principle location for Bowls in the South of the City for the longer term
- Removing Tompkins Park as the central northern site for any development of lawn bowls in the north of the City

The above dot points have implications on the provision of bowls facilities in the City as it is likely to result in the same number of facilities being provided as is the case currently. This may have the following effects:

Advantages

- Clubs maintain individual identities and club facilities
- Members continue to play the sport at the club of their choice
- Clubs continue to service their local community for a variety of other uses and activities

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
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- Clubs are likely to request the City to provide significant capital investment in ageing facilities. This needs careful consideration in relation to the support provided for other community sporting clubs.
- The City's and ratepayer asset maintenance costs may increase if the City remains responsible for building maintenance and insurance.
- The long term sustainability of Clubs is of concern when needing to replace assets e.g. synthetic greens.
- An opportunity cost by not realising residential development and parkland on the MPBC site (as discussed above).

To reduce the cost to the ratepayer, if Council rescinded the Lawn Bowls Strategy related resolutions, officers would recommend the City enter into 'premises lease' arrangements which reduces the costs for the City to maintain and insure these buildings as the Clubs will become responsible for all costs associated with the land which forms part of the lease.

It also needs to be pointed out that Council do not need to rescind the bowls strategy related resolutions for the MPBC to remain at their existing site. The remaining resolutions identify priority areas for future development and investment in the sport if required - at Tompkins Park/MBC (North) and Morris Buzacott Reserve (South).

4. The MPBC requests for financial support and requests to changes to financing commitments (as written in Council motion December 2019)

The history of the MPBC requests for various financial support and changes to financing arrangements can be summarised in the following:

December 2007

- Additional MPBC self supporting loan request for \$140,000 repayable over seven years approved with conditions

July 2011

- MPBC granted approval for a self supporting loan of \$350,000 repayable over ten years with conditions

April 2012

- MPBC \$350,000 loan reduced to \$300,000 repayable over ten years, at the request of the Club.

August 2013

- MPBC commitment to contribute \$30,000 to sinking fund (for green replacement) per annum reduced to \$12,000 per annum at the request of Club.

June 2017

- Council approve the Tompkins Park concept plan, and transfers responsibility for the repayment of the Mount Pleasant Bowling Club self supporting loan to the City (on the condition that the MPBC aligned with the Melville Bowling Club or another bowling club and created a new entity)

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- Council authorises the MPBC to use accumulated sinking funds (sinking fund was specifically for synthetic green replacement) for operational purposes up to the value of \$45,707 during the period of relocation to Tompkins Park.

June 2019

- Council approves funding requests from MPBC for up to \$60,000 for 19/20 to contribute towards green keeping costs.

March 2020

- Council directs the CEO to enter into discussions with the MPBC regarding the establishment of loan payment plans to enable the club to recommence loan repayments, noting that payments will not commence until after the conclusion of the MPBC review (this item).

The City provided the MPBC \$59,069 (Inc. GST) of financial support in the 2019/2020 financial year as per Council approval towards the costs of green keeping services.

The current position of the MPBC's self supporting loan is summarised as follows (a current outstanding loan liability of \$198,769.47):

Mt Pleasant Bowling Club Loan	
At 30 June 2019 the current balance of the loan was shown as	\$32,157.56
At 30 June 2019 the non-current balance of the loan was shown as	\$85,494.74
Total value of Loan outstanding at 30 June 2019	\$118,052.30
Plus Invoices raised but not paid by Mt Pleasant	\$93,654.86
TOTAL Outstanding Loan Liability at 30/6/2019	\$211,707.16
Plus Interest and guarantee fees on loan repayments for 2019/2020	\$5,594.93
Less Stimulus Waiver for Mar 20 to Jun 20 quarter	\$18,532.62
TOTAL Outstanding Loan Liability at 30/6/2020	\$198,769.47

The City's COVID-19 Stimulus package also provided the MPBC with a one off \$12,000 payment for having a specialised sporting surface (bowling greens) along with 2 x \$2,000 (\$4,000 total) grants to assist the Club with utility costs, promotion and rebuilding participation also as part of the City's COVID stimulus package.

The Club, being a self supporting loan holder also received a COVID stimulus waiver of \$18,532 for the period Mar 2020 to June 2020. This figure is included in loan table above.

Therefore the MPBC have been provided approx. \$192,849 in financial support since March 2017.

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Without this direct support it is likely that the Club would have experienced financial hardship and challenges to remain solvent.

The MPBC are of the view that the loan had previously been written off / forgiven by the City in June 2017; however the resolution was conditional on a new bowling club entity forming and commencing which hasn't taken place.

Other items of support and assistance

1.52 tonnes of green underlay (from the decommissioned D Green) was removed and disposed of by the City's waste services team following a storm in February 2019 at a cost to the City of approx. \$600 which was not passed on to the club.

Since the 2014 / 2015 financial year approximately \$152,000 has been spent on the MPBC facility in both operational and capital costs. \$34,700 of this figure is currently committed in the 20/21 capital program.

5. Consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club

The Council motion from December 2019 asked the CEO to investigate the suitability of the Tingara Netball Club (TNC) or other interested sporting clubs to potentially utilise the MPBC as a home base.

The TNC operate during the winter sporting season with all competition games based at the regional facility at the Fremantle Netball Association (FNA) on Frank Gibson Park, Fremantle.

The club currently train Monday – Thursday afternoons/evenings during the winter season across two venues being Brentwood Primary School (Mon – Thurs) and at Gibson Park, Fremantle Netball Association ground (Wed only).

Brentwood Primary School has three floodlit Netball courts which the TNC use four days a week, essentially 12 courts used across the week. In addition, the TNC hire four floodlit courts at FNA on Wednesday evenings for their senior teams to train. Therefore the club essentially require access to 16 floodlit courts across the week (Mon – Thurs).

It is the strong desire and a long term goal of the TNC that all Club based training be located at one venue with basic ancillary facilities available such as toilets, change rooms and a small indoor meeting area. The requirement of 16 floodlit courts across four training days, results in four courts at one location to meet the clubs goal to hold all training sessions at the one venue.

The Club has a large membership of over 400 players, with over thirty five percent of the membership residing in the 6153 postcode. This includes the suburbs of Applecross, Ardross, Mount Pleasant and Brentwood. A non negotiable for the TNC is to remain in the 6153 postcode area to continue to provide for this area into the future.

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Part of the investigation process was to conduct research into the level of Netball provision across the City of Melville, both City controlled/managed courts and those that are on school grounds, noting that the majority of clubs train on school courts.

The provision of Netball across the City is summarised in the following attachment: [8137_Netball Data](#). This data was part of the recent City of Melville Active Reserve Infrastructure Strategy (ARIS) 2020 as appendix K.

Notwithstanding that some of the available locations would simply not be suitable for the TNC due to location and court availability, the analysis shows that there are a significant number of Netball courts in Melville that are unused for club activity / training at present.

The focus should be on improving the quality of existing netball infrastructure to provide greatest value for money for the ratepayer whilst utilising existing assets and facilities more effectively.

The ARIS also identified this and has recommended actions to specifically address netball court provision improvements both at City of Melville managed facilities (a court resurfacing program) and in schools through increased focus on brokering additional shared use agreements with the Department of Education in recognising that Netball clubs in Melville are predominately based at local schools.

It would be difficult for officers to recommend or support the construction of four brand new netball courts with floodlighting anywhere in the City as the data suggests it is not warranted and other options exist to assist the TNC in their aspirations.

Several meetings have taken place between officers and the TNC with the focus being on listening to and understanding the TNC's requirements and aspirations and seeking potential options to meet their needs. A number of options have been identified as potential solutions (without the need to construct four brand new courts). The City is working closely with the TNC to develop an alternate solution that involves a shared use agreement with the Department of Education for the Applecross Senior High School (ASHS) site.

The ASHS has suitable facilities and with minor investment (floodlighting and line marking) would meet all of the TNC's requirements in regards to four floodlit courts, safe access to toilets adjacent to courts, available parking, ability to meet in a club room type space and access to a kitchenette. Importantly, the ASHS is also in an ideal location for the TNC catchment in that over 35% of the Club's membership resides in the 6153 postcode and it is a strong desire for the club to remain in this postcode, a factor in the identification of the MPBC option initially.

Meetings have been held on site with the ASHS Executive and also on site with the TNC. The ASHS are willing to work with the City to progress discussions with the view to develop and enter into a shared use agreement which will likely include access to aquatic facilities (pool) in addition to access to facilities for the TNC.

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Further discussions are required to facilitate the TNC's relocation to the ASHS and if successful will provide significant benefit and opportunities for the TNC in the long term without the need to construct 4 new courts with ratepayer funds. It is also noted that the City's Active Reserve Infrastructure Strategy (ARIS) identified opportunities for increased shared use agreements with schools and included provisional funds for shared capital contributions to infrastructure improvements through these agreements.

6. Other sports

The December 2019 Council motion included the following:

'which includes consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club.'

The City recently completed its Active Reserve Infrastructure Strategy (ARIS), a 20 year strategic plan for investment into infrastructure on Active Reserves. Whilst it is acknowledged that the MPBC site was not part of the ARIS (as it is not an active reserve by definition) the extensive research and data contained within the ARIS can be applied in regards to identified sporting infrastructure needs and provision of the community for the next 20 years.

The ARIS identified that there will be a need over the next 20 years (amongst other recommendations in the ARIS) to increase the provision of soccer pitches and cricket fields.

When considering these needs, the MPBC site has a number of constraints such as:

- Size of available space (assuming the MPBC retain three greens)
- Existing drainage sump which is critical to the area in large rain events
- Proximity to residents – possible noise and traffic impacts
- Fencing requirements depending upon sport

The MPBC is unable to accommodate traditional field sports such as soccer, cricket and Australian Rules football due to significant space constraints.

Sports such as five a side futsal (soccer) for example are able to fit on site however these facilities are usually funded, constructed and operated by private business. Community engagement would be essential if the Council wished to pursue an option such as this.

Noting that whilst it would add a sporting facility and possibly assist the MPBC's, sustainability, officers would not support it on this site due to the impacts on local residents. The land use and planning matters discussed under point 7 below would also need to be resolved under this scenario.

Other uses which may be appropriate include bocce, petanque or croquet, however there hasn't been an identified need for these sports to be developed in the City and the impact they may have on the MPBC's financial sustainability is estimated to be minimal.

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Since the December 2019 Council resolution to investigate with other sporting Clubs if they could operate from the site the Club have been exploring other opportunities to find alternative sources on income.

The two leases/licenses/hire agreements that the Club is considering is for the Bowls Club to sub-lease/rent/hire space to Australia Post so that they can store several electric bikes each evening and allow them to charge overnight. The second was with Melville Cares and in this case they wish to house vehicles overnight in the carpark area and receive rental in addition to utilising the facility for a variety of friendship groups and programs.

Should the Council wish to allow these community and/or commercial activities on the site a separate report should be prepared. Generally any commercial agreements on land that is vested in a Local Government for a particular purpose are directly with the State, with the State receiving the income.

Points to consider

- The current approved land use is “Bowling Club and Club Premises Site,” - [8137_Management Order 27046 1](#)
- Even if investigations into the site to be used for multiple sports were supported the land use would need to be changed from Bowling Club to ‘Recreation’ or some wider classification,
- The Ministers consent to the change of land use to something like “Recreation and Ancillary Storage” could be presented,
- The Department of Lands and the Minister may (or may not) consider that “Ancillary Storage” of no recreation activities may be permitted. Technically the storage should be ancillary to the Bowling or Recreation activity,
- Any proposed uses would need to comply with the planning land use,
- A new lease (as current lease has expired) would need to be developed with the Club, with the new land uses applying,
- The Minister would need to give consent to enter into a lease for up to 21 years,
- Any subsequent users would need a sub-lease and be agreed individually by the Minister for Lands,
- If the purpose is expanded to, and agreed by Minister that “Ancillary Storage” for non bowling or recreational use is permitted, then the Club will be limited to those additional enterprise activities only and would need to be aware of this when considering any other income generating activities.
- Engagement with the surrounding community should be considered and the current Council resolution that is being actioned should be considered.

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A number of options exist for the future of the site as summarised in the below:

1. Redevelopment of the site to include Netball facilities as per Council motion. Community consultation and engagement would be required, particularly with nearby effected residents. The Reserve purpose would need to be changed from Bowling Club Site and Club Premises. As reported above (point 5), officers do not support this option.
2. MPBC relocates/dissolves, playing members are financially supported to join other clubs and the City progresses with site acquisition for residential and parkland development. Existing Council resolutions are in place for this option however the MPBC would strongly object to this option.
3. Site acquisition and retirement housing development including Bowls facilities (for MPBC club activities) and approx. 30% site developed into parkland. A new business case including detailed community engagement would be required for this option. One of the disadvantages of this option is that it would likely take a number of years to come to fruition and it would be considered likely that the Club would need to relocate or cease operations whilst the facility is being constructed. Again, the MPBC would likely object to having to shut down operations for a reasonable time period.
4. Long term 'premises lease' / 'management license' arrangement with the MPBC and approx. 30% of site developed into parkland / public open space for the local community. A business case for parkland development would be required and would involve community engagement, noting that there was previous support for this notion during consultation in 2017. To facilitate the parkland 'D' Green (most Southern green that was decommissioned in 2016) and the southern portion of the reserve would need to be ceded from the leased area. The Council may consider whether the reduction of the total leased area has any bearing on self supporting loan liabilities.

There may be the ability for a modest amount of capital funding to be provided to the MPBC under this option for accessibility requirements for example, the provision of a Universal Accessible Toilet (UAT).

Should the Council wish to pursue option 4, the following resolutions or similar would need to be supported and enacted:

1. **That the Council rescinds all previous resolutions regarding the acquisition and redevelopment of the Mt Pleasant Bowling Club site.**
2. **That the Council direct the Chief Executive Officer to notify all relevant stakeholders and agencies of the rescission of previous resolutions.**

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3. That the Council direct the Chief Executive Officer to commence lease discussions with the MPBC with the view to enter into a 10 year plus 10 'premises lease' with 'D' green and the southern portion of the reserve ceded from the leased area to accommodate a new public park.
4. That the Council direct the Chief Executive Officer to expedite investigations, including cost estimates and community engagement that will form a business case, of developing approx. 30% of the Mt Pleasant Bowling Club site (including 'D' Green and the southern portion of the reserve) as parkland / public open space and report back to Council through an Elected Members Information Session in early 2021.
5. That the Council grant the MPBC \$50,000 ex GST towards accessibility improvements.
6. That the Council supports the MPBC to remain on its existing site whilst sustainable without further financial support from the City.

Council is to provide further direction in regards to which option is preferred, noting that past resolutions remain in place and there is the potential for significant capital investment for some of the above options.

Officers recommend an Elected Members Workshop to further discuss options for the MPBC and the site as a whole considering the associated risks and costs.

Petition

The tabled petition requests that the Council

1. *Extend and vary the current Lease agreement with the Mount Pleasant Bowling Club MPBC) to provide an extended lease period of 21 years with a 21 year option; and*
2. *Renovate and extend the Clubhouse to update the facilities including the provision of facilities for the disabled and vary the conditions of use to allow wider community usage; and*
3. *Completely waive any outstanding debts or liabilities owed by the MPBC to the City of Melville.*

Point 1 is covered in this Report outlining that as the land is Crown Reserve owned by the State Government and the maximum term that can be granted by the City under the Management Order from the Minister of Lands is 21 years in total.

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Point 2 is highlighted in the Report with consideration of an option to improve disability access to the current facility. Any other capital upgrades would need to be justified through a business case and existing/future demand. At the time of writing this report, officers were unaware of the MPBC's business plan contents so it is difficult to comment on what 'renovation and extending the clubhouse' entails. It should be noted that in close proximity will be the newly redeveloped Shirley Strickland Reserve with facilities available for community use.

Likewise at Canning Bridge availability of spaces that the community can utilise will increase as approved developments occur, and also community facilities available for usage at Tompkins Park facility. This Report also comments on the option of wider community use. The Club currently can on hire to a range of community groups as does other Club/Associations as a means of fully utilising facilities and raising income.

Point 3 is also highlighted in the Report as an Option if the Club remains at the current site with a reduced area and on a premise lease where all maintenance and replacement costs is funded by the Club.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Significant stakeholder and community engagement has occurred over many years in regards to all of the elements presented and discussed in this item. The previous items section (page 1) highlights all previous Council reports that contain stakeholder engagement information for each specific item.

In regards to the Council resolved future use of the MPBC site as residential housing and 30% parkland, extensive community engagement occurred in two phases prior to Council adopting the preferred concept plan and directing the CEO to enter into negotiations to acquire the site.

Significant engagement also occurred in regards to the Bowls Strategy and Tompkins Park Concept plan as detailed in the associated Council items.

Following the December 2019 Council motion (what this item responds to) letters were sent to local residents living in close proximity to the MPBC advising them of the motion and directing them to the project webpage: www.melvillecity.com.au/mpbcreview. This webpage contains a historical timeline, all previous council reports/decisions and frequently asked questions (FAQ's).

Regular meetings have been held with the Mount Pleasant Bowling Club and these meetings have discussed this review process along with reviewing the MPBC's monthly financial statements in order to approve (or not approve) green keeper reimbursement payments in the 19/20 financial year.

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A number of meetings have also taken place with the Tingara Netball Club and the Applecross Senior High School as discussed above in regards to firstly clearly understanding what the TNC's aspirations and essential facility requirements are and then to assess and investigate the possible options available to the club.

Further engagement planning and implementation may be required depending upon what the Council decide as the preferred option.

At a meeting with Club representatives held 1 September 2020 the Club advised that they had completed a Business Plan in relation to the Clubs activities and financing strategies going forward. It was indicated that the Business Plan may include activities other than Bowls activities and this included a component of hire and sublease arrangements with other community groups and commercial entities. The City and Council should review this Business Plan prior to making a decision on the future land use in order to see if the proposed activities can be accommodated in any new lease or request to the Department of lands and/or the Minister for Lands to change the purpose of the reserve from the limitation of only Bowling club activities.

From that meeting the Club has been given a copy of the [8137 Building Audit Report](#) dated May 2020.

At the meeting on 1 September 2020 it was agreed that a follow up meeting was to take place to discuss the MPBC's business plan which would have assisted in the information provided to the Council in this item. The MPBC executive subsequently decided not to meet again with officers and a follow up meeting didn't take place.

At the time of writing this report, officers were unaware of the MPBC's business plan contents.

The City recently received a request from the MPBC on the 5 September 2020 for the 'renewal, extension and variation of deed of lease.' The Club have requested a 21 year lease with a 21 year option period and various conditions such as the City funding clubhouse renovations and extensions for conference rooms / office space and compliance upgrades e.g. Accessible toilets, ramps, the specific details of which are unknown.

The club Executive have been previously advised that officers are unable to enter into lease discussions as existing Council resolutions remain in place regarding the future use of the site.

It is important to point out that the land is Crown Reserve owned by the State Government and the maximum lease term that can be granted by the City under the Management Order from the Minister of Lands is 21 years in total. The Minister of Lands can not grant an option for a further term beyond 21 years from commencement date of the lease term.

II. OTHER AGENCIES / CONSULTANTS

The City met with the Fremantle Netball Association and Netball WA regarding the City's Active Reserve Infrastructure Strategy (ARIS) and the specific recommendations regarding the provision of Netball facilities across the City.

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The City met with Applecross Senior High School representatives regarding a possible shared use agreement permitting netball to be played on the school site.

STATUTORY AND LEGAL IMPLICATIONS

The management order (vesting of the crown site to the City of Melville) includes powers to lease for any term not exceeding of 21 years and is subject to consent from the Minister of Lands. This is an important consideration should the option of a premises lease be supported by Council.

FINANCIAL IMPLICATIONSSelf Supporting Loan

The status of the MPBC's loan has been discussed above including a council resolution for the MPBC to enter into a payment plan following this review to enable payments to recommence.

It is considered almost certain that the MPBC will request the Council to forgive / extinguish their self supporting loan (\$198,769), especially as the club are of the view that the loan was previously forgiven by Council.

Whilst Council have the ability to agree to this request it is important to consider the impacts and flow on effect a decision such as this may have on other self supporting loan holders.

Currently the balance of all self supporting loans the City has totals \$2.7m across 10 community sporting clubs and associations. Council would need to provide clear reasons for the loan forgiveness should this decision be made and consider whether other clubs would request similar treatment and if so, the upward pressure this may place on rates.

Opportunity cost – MPBC site redevelopment

There is a potential opportunity cost as described on page 6 and 7 above. Whilst the acquisition and subsequent development of the MPBC site is not finalised, council resolutions remain in place to continue in this direction. Should the council rescind the relevant resolutions, the negotiations of acquisition of the site from the State will cease.

Potential capital requests to upgrade current MPBC and site

It is likely that the MPBC will request capital funding for facility improvements that may include a new synthetic green (to replace C Green which is approaching end of life), building upgrades and improvements. Without the specific detail from the Club, it is difficult to estimate possible costs.

It should be noted that it is not the City's usual practice to provide funding for specialised sporting surfaces (whether new surfaces or replacement surfaces) such as bowling greens, hockey turf, tennis courts or turf cricket wickets.

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Netball court development

Whilst officers don't recommend the development of netball courts at the MPBC site, the likely costs of constructing four full size acrylic surfaced netball courts with LED floodlighting, fences and hoops/posts is in the vicinity of \$700,000.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of significant costs to the City and ratepayer through potential capital requests from the MPBC	Major consequences which are possible, resulting in a High level of risk	Support existing Council resolutions, Or Should Council support the MPBC to remain on site, enter into a 'Premises Lease' where all costs are borne by the Club, and Do not support capital requests or further self supporting loan requests.
Risk of significant opportunity costs should Council rescind previous resolutions relating to the future use of the MPBC site.	Major consequences which are possible resulting in a High level of risk	Support existing Council resolutions in place.
Risk of declining sustainability of the MPBC given the need to replace infrastructure e.g. synthetic greens leading to possible future insolvency.	Major consequences which are possible, resulting in a High level of risk	Support existing Council resolutions, Or Support the MPBC in increasing community access and use of facility, and/or Provide ongoing funding (not supported by Officers)

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Risk of over provision of Netball courts in the City by constructing 4 new courts with floodlights at MPBC at rate payer expense.	Moderate consequences which are likely, resulting in a High level of risk	Do not support and proceed with Netball court development at the MPBC site, and Continue to investigate and progress alternate options such as the ASHS.
Risk of potential community outrage over future use of site depending upon Council resolutions made	Moderate consequences which are possible resulting in a Medium level of risk	Ensure detailed engagement planning is conducted and local community are informed of Council decisions.
Risk that the MPBC will be unable to repay the self supporting loan based on current loan payment terms	Major consequences which are likely resulting in a High level of risk	As per Council resolution in March 2020, formulate a reasonable repayment plan with the MPBC to enable payments to recommence.

POLICY IMPLICATIONS

Reference is given to several Council Policies that guide the decision making by Council in consideration to this report and include the following Council Policies:

CP-028 Physical Activity Policy highlights the increased opportunities for physical activity; leading to the improved health and wellbeing of the community.

CP-103 Improving Public Spaces Policy provides clear strategic direction and informs future decision-making on the best ways to improve public spaces in the City of Melville.

CP-037 Neighbourhood Development – Community Hub Policy highlights that gaining the greatest community benefit can be achieved through the provision of facilities consolidated into community hubs.

CP-031 Asset Management Policy highlights that assets must be reviewed on a regular basis to ensure they remain relevant, have a demonstrated community need and are achieving optimal levels of service in a cost effective manner over the asset lifecycle.

CP-010 Self Supporting Loans Policy provides guidelines by which financial assistance by way of self-supporting loans to non profit clubs or organisations for capital improvement works on/to land or buildings owned or vested in the City of Melville will be considered

CP-005 Land and Property Retention, Disposal and Acquisition Policy provides a framework through which the City can consider its freehold and vested reserve land and property assets and make decisions, using a systematic informed approach, with respect to the retention, disposal or acquisition of such assets or a combination thereof.

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Options as per outlined in detail section – Council may wish to proceed with or further investigate any of these options should the Council rescind previous resolutions made regarding the redevelopment of the MPBC site.

CONCLUSION

The Councillor motion in December 2019, which this report responds to, takes into account many previous Council items and resolutions from 2007 – 2020.

A number of resolutions remain in place regarding the future of the MPBC site and the sport of lawn bowls across the City.

Following investigations and engagement, officers do not support the construction of four new netball courts with floodlighting at the MPBC site.

Officers are continuing to work with the Tingara Netball Club to find a long term solution that meets their needs.

There are a number of implications of rescinding previous resolutions as discussed above.

Council are to decide whether or not to rescind previous resolutions and if so, what option/s the Council wish to support for the future of the MPBC site, noting the existing land use restrictions as discussed.

Various stakeholders and agencies will need to be advised depending on the outcome.

Officers recommend an Elected Members Workshop to discuss options for the MPBC and the site as a whole considering the associated risks and costs due to the complexity of matters identified in this Report.

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MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (8137)****APPROVAL OR REFUSAL**

At 9:21pm Cr Sandford moved, seconded Cr Robins –

That the Council

- 1 Note the Officer Report, in dealing with the Council resolution 10 December 2019 in item 16.5 Mt Pleasant Bowling Club Review, on;**
 - the Mt Pleasant Club requests for financial support and requests to changes to financing commitments
 - the relocation of the Mt Pleasant Bowls Club and the development of Club site,
 - the noting and endorsing the City of Melville Bowls Strategy Report,
 - the implications, both financial and non-financial, of the Council rescinding previous motions relating to the relocation of the Mt Pleasant Bowls Club,
 - consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club and
- 2 Directs the CEO to schedule a workshop with Elected Members, to be held as soon as practicable to consider options for the Mount Pleasant Bowling Club and the site as a whole and to consider the officers comments in this report.**
- 3 Write to the lead petitioner of the outcome of any motions resolved by Council.**

Amendment**COUNCIL RESOLUTION**

At 9:23pm Cr Mair moved, seconded Cr Wheatland –

That point 2 be amended to read:

Directs the CEO to conduct a workshop with Elected Members by end of November 2020 to consider options for the Mount Pleasant Bowling Club and the site as a whole and to consider the officers comments in this report and present a further report to the 8 December 2020 Ordinary Meeting of Council.

At 9:27pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reasons for the Amendment as provided by Cr Mair

1. It is important to put in a time frame for the workshop on the Mt Pleasant Bowling Club and bring a Motion with Notice to the December OMC. The concern is that this issue will continue on for several months if we don't state a time line to work to.
2. The Club also needs to apply for funding grants to upgrade facilities and enter into arrangements with other site users to increase revenue and foot traffic to the club and can't progress any plans without a long term signed lease.

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)****Substantive motion as Amended****COUNCIL RESOLUTION**

At 9:27pm Cr Sandford moved, seconded Cr Robins –

That the Council

- 1 Note the Officer Report, in dealing with the Council resolution 10 December 2019 in item 16.5 Mt Pleasant Bowling Club Review, on;**
 - the Mt Pleasant Club requests for financial support and requests to changes to financing commitments**
 - the relocation of the Mt Pleasant Bowls Club and the development of Club site,**
 - the noting and endorsing the City of Melville Bowls Strategy Report,**
 - the implications, both financial and non-financial, of the Council rescinding previous motions relating to the relocation of the Mt Pleasant Bowls Club,**
 - consideration and investigation of a home base for Tingara Netball Club or other interested sporting clubs at Mount Pleasant Bowls Club and**
- 2. Directs the CEO to conduct a workshop with Elected Members by end of November 2020 to consider options for the Mount Pleasant Bowling Club and the site as a whole and to consider the officers comments in this report and present a further report to the 8 December 2020 Ordinary Meeting of Council.**
- 3. Write to the lead petitioner of the outcome of any motions resolved by Council.**

At 9:27pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 9:29pm the Mayor brought forward T20/3876 - Attadale-Alfred Cove Master Plan - Community Consultation And Plan Preparation for the convenience of the public gallery.

Disclosures of Interest

Member	Cr Sandford
Type of Interest	Proximity Interest
Nature of Interest	I live opposite part of Tompkins Park proposed to be included in the Master Plan area
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Barber
Type of Interest	Proximity Interest
Nature of Interest	I live opposite part of Attadale foreshore which may be included in the Master Plan
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Robins
Type of Interest	Impartiality Interest
Nature of Interest	Candidate for State Election for Bicton Electorate
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

COUNCIL RESOLUTION

At 9:31pm Cr Barton moved, seconded Cr Mair –

That the Council note that Cr Sandford and Cr Barber, have declared a proximity interest in Item T20/3876 - Attadale-Alfred Cove Master Plan - Community Consultation and Plan Preparation and grant permission to them stay, discuss and vote on this matter

At 9:35pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION AND PLAN PREPARATION (REC) (ATTACHMENT)

Ward : Applecross - Mt Pleasant
Bicton - Attadale – Alfred Cove

Category : Strategic

Subject Index : Alfred Cove Foreshore, Burke Drive Foreshore

Customer Index : Department of Biodiversity, Conservation and Attractions

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : Item 17.2 Troy Park Peninsula Wildlife Sanctuary Proposal (Motion Without Notice) Resolution - 19 February 2019

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

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Attadale and Alfred Cove foreshore represents the premier foreshore area within the City of Melville in terms of scale, extent, environmental and Aboriginal heritage significance.
- The foreshore area includes key active recreational facilities such as Tompkins Park, and Troy Park and passive recreation areas, including the Burke Drive dog exercise area, that are managed by the City.
- The City has taken an active role in the environmental management of the foreshore areas under its control and management through recommendations and actions detailed in the Foreshore Restoration Strategy 2019.
- Council resolved on 19 February 2019 to investigate a proposal to establish a wildlife sanctuary at the Troy Park Peninsula, principally on crown land under the control of the Department of Biodiversity Conservation and Attractions (DBCA).
- Since that time, there have been a number of proposals to improve the amenity and facilities in the foreshore area by the City as well as other various groups and organisations.
- Following feedback from various stakeholders, including the State Member for Bicton, it was considered appropriate to undertake the preparation of a master plan for the foreshore area incorporating a comprehensive review and community consultation process.
- The City has prepared a brief for the preparation of a master plan in consultation with various stakeholder groups and specialist facilitation advisors.
- It is proposed to undertake an archaeological survey of the study area that entails research into the history and the remnants of human interaction with the land both Aboriginal and settler history. This will allow for a Cultural Heritage Management Plan to be developed from the study for any 'works' that may go forward.
- The City has identified a facilitated Indigenous engagement process as a key input into the master plan.
- There is adequate funding in the 2020-2021 budget related to the Alfred Cove boardwalk proposal that can be redirected for the preparation of the master plan and to undertake an Indigenous survey and consultation process.
- Officers recommend that the Council approve the redirection of \$250,000 in funding from the Alfred Cove boardwalk proposal to the Attadale-Alfred Cove Master Plan project in order to prepare a tender for engaging suitably skilled and experienced consultants to undertake the master plan including consultation with the community
- The output from this work would to establish the vision and values for this important foreshore area as well as options that could form a long term program of initiatives and works.

BACKGROUND

The Attadale and Alfred Cove foreshore area is the most extensive and highly utilised area of foreshore in the City of Melville including areas such as the Burke Drive dog exercise area, Troy Park, Alfred Cove Nature Reserve, Atwell House, Melville Bowling Club, Tompkins Park and associated active recreation areas.

T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION AND PLAN PREPARATION (REC) (ATTACHMENT)

The foreshore area is jointly managed by the Department of Biodiversity Conservation and Attractions (DBCA) and the City of Melville. From the State Government perspective, the key management plans guiding the DBCA's management of the foreshore area include:

- Swan and Canning River Protection Strategy (2015) and associated updates and annual reports.
- Marli River Park – An Interpretation Plan (2014).

The City of Melville's management of the foreshore area is guided by key environmental and recreation plans such as:

- Foreshore Restoration Strategy (2019).
- 2020 Active Reserves Infrastructure Strategy (ARIS).

There are also numerous proposals put forward by the City, community organisations, lessees and other stakeholders with an interest in the foreshore area including:

- Alfred Cove boardwalk proposal and path realignment concept project, including path streamlining, habitat restoration and wetland reconstruction, (prepared by the City of Melville for consultation with, and initial review by, DBCA and other key stakeholders).
- Fenced dog exercise area at Attadale reserve (which was not supported by the local community, and therefore did not proceed).
- Troy Park Wildlife Sanctuary proposal, (City of Melville resolution dated 19 February 2019, refer to blue hatched area below which primarily relates to land vested under the management of DBCA).



Troy Park Peninsula Wildlife Sanctuary Proposal Study Area

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

- Attadale Foreshore Swan Breeding Habitat proposal, (based on a report prepared by Bamford Consulting Ecologists in 2018 titled *The Black Swan at Alfred Cove* and referred to as the Burke Drive Concept Plan).
- Friends of Melville Bird Sanctuary proposal to designate sections of the foreshore as bird sanctuary.
- Discussions with the Troy Park Junior Sports Clubroom Development Concept Plan, (prepared by the Troy Park Sporting Association in 2019).
- Atwell Creative Precinct Upgrades including:
 - Construction of a new “ceramics” building to house the South of the River Potters Club (currently under detailed design, with funding for construction included in the City’s 2020-2021 budget).
 - Proposed refurbishment and possible extension of Atwell House.
 - Path access and realignments (linked to boardwalk proposal and associated works).
- Possible Melville Bowling Club redevelopment, (proposal being developed by Melville Bowling Club).
- Tompkins Park refurbishment works following a decision to not proceed with the redevelopment of the facility to incorporate bowls.

City officers have been working with DBCA, who are supportive of the Wildlife Sanctuary proposal, in order to scope out the process and identify funding opportunities to progress its establishment.

During this period, the City was approached by the State Member for Bicton, Lisa O’Malley MLA with a proposal to undertake a master planning process involving comprehensive consultation with the community. This master plan approach has been used successfully for the Leeuwin Barracks redevelopment and East Fremantle redevelopment projects.

The City drafted a brief for the master plan and sought input from the DBCA and other stakeholders regarding the scope of the plan and the extent of the study area.

More recently, the City has been lobbied by the Friends of Melville Bird Sanctuary to establish a bird sanctuary in the proposed study area, which has received community support.

It should be noted that the Wildlife Sanctuary proposal resolved by Council only related to the Troy Park Peninsula, which is a component of the broader master plan study area proposed for the master plan.

DETAIL

The brief for the master plan process is provided in the attachment and has been developed with input from the DBCA and other stakeholders, including detailed feedback provided by the Swan River Estuaries River Action Group (SERAG).

[3876 Applecross Attadale Alfred Cove Foreshore Master Plan Vision Values Mapping](#)

Feedback from DBCA has been positive and although a commitment for funding to contribute toward the costs of developing the master plan was not able to be provided,

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

DBCA has advised that they would make available key staff involved in the Riverpark to participate in the consultation process as an in-kind contribution.

In scoping the brief for the master plan, the City consulted with the Town of East Fremantle who managed the Leeuwin Barracks and East Fremantle Oval redevelopment projects and associated consultation process.

In addition, the City consulted companies experienced in undertaking master planning involving this form of comprehensive consultation in gaining an understanding of time and cost estimates to ensure that realistic budgets and timeframes were identified for the master plan.

The study area for the master plan extends from the entrance to the Point Walter Reserve lower car park in Attadale and includes Burke Drive reserve dog park, Troy Park, Alfred Cove Nature Reserve, Atwell House, Melville Bowling Club and through to Tompkins Park including its eastern extent near Cunningham Road in Applecross. A plan of the study area is attached to the master plan brief.

[3876 Attadale Alfred Cove Foreshore Masterplan Figure 1 Study Area](#)

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The master plan process incorporates a comprehensive community consultation process involving techniques known as Enquiry by Design or Charrette. This stakeholder engagement approach seeks to incorporate the full range of activities across the International Public Participation (IAP2) spectrum and includes the establishment of focus groups and theme based working groups to identify values, key attributes and options relevant to the study area.

The process is in accordance with Stakeholder Engagement Policy CP-002 and also incorporates a scenario planning exercises aimed at achieving consensus views on objectives and priorities for investment in focus areas. The outcome of this process will assist in providing guidance and direction to the City and DBCA in setting priorities, identifying funding requirements and undertaking actions for their respective areas of management.

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

As the area within the master plan area has registered heritage sites of significant Aboriginal value, the City will develop a specific knowledge gathering and consultation program guided by the Aboriginal peak bodies of the South West Land and Sea Council and the Whadjuk Working Party to ensure that important archeological and ethnographical aspects are identified as key influential inputs in the master plan.

The Aboriginal consultation process is proposed to lead the master plan consultation process and involve the use of an external facilitator to engage with Traditional Land Custodian Elders and site informants of the registered heritage sites as guided by Department of Planning Lands and Heritage (Aboriginal Affairs), the South West Aboriginal Land and Sea Council and the Whadjuk Working Party.

II. OTHER AGENCIES / CONSULTANTS

The City has consulted multiple times with senior DBCA staff regarding the master plan proposal and has also kept the State Member for Bicton informed on progress. The State Member for Bateman, Dean Nalder MLA, has also been briefed on the master plan proposal and supports the idea of wide consultation to guide future investment and management decisions related to the portion of the study area in his electorate.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has been consulted, particularly in regards to funding opportunities through the Community Sporting and Recreation Facilities Fund (CSRFF) grant program and other funding sources at state and Federal levels.

The City has been monitoring these grant programs and other grant opportunities (e.g. LotteryWest) to determine eligibility for funding for the preparation of the master plan, noting that many programs have been diverted to COVID recovery projects and are only eligible for funding for the implementation of projects (i.e on-ground works) related to subsequent stages of the master plan.

STATUTORY AND LEGAL IMPLICATIONS

The master plan will cover both City managed and owned land as well as crown land controlled and managed by the State Government through the DBCA. The City would only be expending funds arising from the implementation of the master plan on land it owns or manages, with the State Government responsible for any expenditure related to DBCA land from the outcomes of the master plan.

FINANCIAL IMPLICATIONS

The 2020-2021 budget includes \$300,000 for the Alfred Cove Boardwalk proposal. The City is still awaiting feedback from DBCA on the boardwalk proposal and therefore it is unlikely that any funding will be required for implementation this financial year, with only funding required for design work should this be progressed.

The \$300,000 in the 2020-2021 annual budget is 100% funded by the New/Upgrade Works Reserve which purpose is, "to be used to fund the 'new' and 'upgrade' components of the costs of Infrastructure Capital Works and Buildings as opposed to renewal of existing assets as per Asset Management Plans".

T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION AND PLAN PREPARATION (REC) (ATTACHMENT)

Given the preparation of a master plan and implementation of projects will most likely involve new or upgrade works, the redirection of a portion of funding toward the master plan is considered appropriate.

The Council Item would require a recommendation to reallocate an estimated \$250,000 from the boardwalk account to a new account specific to the master plan project in order to provide funding for preparing the master plan, undertaking the anthropological study and facilitating the indigenous consultation process. This re-allocation would retain \$50,000, for any design work for the boardwalk proposal, should this proceed.

It is therefore recommended that \$250,000 from account PIM04086 be transferred to a new project code for the preparation of the master plan, with funds to be drawn from the New/Upgrade Works Reserve. The budget amendment will be presented in the October financial report, to be decided by an absolute majority, should this item be endorsed.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The master plan proposal is consistent with the outcomes established in the recently adopted Strategic Community Plan and Corporate Business Plan which emphasises Clean and Green and Healthy Lifestyles and priorities such as:

- Ensure improvement and sustainability of our environment.
- Empower the voices of our diverse community by strengthening engagement.

The master plan process will also assist in highlighting risks, (positive and negative) related to the wider foreshore area, not just land managed by the City of Melville, and identify mitigating or supporting actions that can be undertaken to minimise impacts and enhance the values of the area.

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

The master plan will identify environmental impacts and issues based on feedback from the community and specialist advisors and actions that can be undertake to address the impacts and create a more sustainable foreshore area for the enjoyment of the community and utilisation by wildlife.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the foreshore area managed by the City.	Minor consequences which are likely, resulting in a Medium level of risk	Review recommendations to ensure that they are value for money. Design and implement works using appropriate materials with acceptable maintenance requirements.

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of poor community consultation outcomes, leading to reputational risks and lack of genuine engagement	Minor consequences which are possible, resulting in Medium level of risk	Use proven consultation process that have shown to be successful for master planning and engage suitably experienced and skilled consultants to undertake community consultation and facilitation processes

POLICY IMPLICATIONS

The master plan is supported by a range of policies covering areas in the study area such as:

- Stakeholder Engagement Policy CP-022.
- Urban Forest and Green Space Policy CP-102.
- Path Policy CP-033.
- Verge Treatment Policy CP-086.
- Tree Policy CP-029.

The master plan is also complementary to strategies such as the Foreshore Restoration Strategy and Natural Area Management Plan and Active Reserves Infrastructure Strategy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative is to not proceed with the preparation of the master plan, however this would be a missed opportunity to work with the community to guide the planning and investment of this important foreshore area. In addition, there may be funding provided by the Government or Opposition in the lead up to State and Federal elections for foreshore related work that could leverage off the master plan which would otherwise not be available.

CONCLUSION

The Attadale-Alfred Cove Master Plan will provide a holistic and integrated guide for priorities and investment in the largest extent of foreshore area in the City of Melville.

The master plan will be developed as a partnership project between the City and the State Government, with extensive stakeholder engagement through a structured, consensus driven, outcomes based consultation process.

The archeological survey and Aboriginal consultation process will provide valuable input and help guide the master plan to appropriately reflect Aboriginal heritage and aspirations in the study area.

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

The outcomes from the master plan process will assist the City over the medium and long term to determine priorities for investing in infrastructure, facilities and activities in the foreshore area to support the environmental and social values identified through the consultation process.

OFFICER RECOMMENDATION (3876)**APPROVAL**

At 9:35pm Cr Robins moved, seconded Cr Wheatland –

That the Council

1. **Adopt the Attadale-Alfred Cove Master Plan Brief as the basis for the preparation of a tender specification seeking suitably qualified and experienced consultants to prepare the Master Plan.**
2. **Approve the budget amendment to transfer \$250,000 from the 2020-2021 PIM04086 project account to a new account to fund the preparation of the Attadale-Alfred Cove Master Plan, Archeological Survey of the Study Area and Aboriginal Consultation.**

Amendment**COUNCIL RESOLUTION**

At 9:38pm Cr Barton moved, seconded Cr Mair –

That the Council amend the officer recommendation by including the following points 3 and 4 below:-

- “3. Approves the inclusion of a proposal for the establishment of a Melville Bird Sanctuary (MBS) within the study area of the Alfred Cove/Attadale Master Plan.**
- 4. Directs the CEO to, under the Alfred/Cove Attadale Master Plan, develop a proposal in partnership with the State Government (DBCA), to designate the boundaries of the MBS at an early stage of the Master Plan.”**

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

CARRIED UNANIMOUSLY (13/0)

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)****Substantive as Amended****COUNCIL RESOLUTION**

At 9:35pm Cr Robins moved, seconded Cr Wheatland –

That the Council

- 1. Adopt the Attadale-Alfred Cove Master Plan Brief as the basis for the preparation of a tender specification seeking suitably qualified and experienced consultants to prepare the Master Plan.**
- 2. Approve the budget amendment to transfer \$250,000 from the 2020-2021 PIM04086 project account to a new account to fund the preparation of the Attadale-Alfred Cove Master Plan, Archeological Survey of the Study Area and Aboriginal Consultation.**
- 3. Approves the inclusion of a proposal for the establishment of a Melville Bird Sanctuary (MBS) within the study area of the Alfred Cove/Attadale Master Plan.**
- 4. Directs the CEO to, under the Alfred/Cove Attadale Master Plan, develop a proposal in partnership with the State Government (DBCA), to designate the boundaries of the MBS at an early stage of the Master Plan.**

At 9:46pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

Officers provided an Officer Amendment on this matter [Officer Amendment](#)

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Review of Local Planning Policy 1.1 ' Planning Process and Decision Making' – Following advertising
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	: P20/3840 'Review Of Local Planning Policy 1.1 'Planning Process and Decision Making' Ordinary Council Meeting 19 May 2020 P20/3840 Review of Local Planning Policy 1.1 Planning Process and Decision Making Ordinary Council Meeting 21 April 2020, Ordinary Council Meeting 17 March 2020 M19/5723 - Summary Of Legal Advice On Withdrawal Of Delegated Authority To Submit Responsible Authority Reports To Joint Development Assessment Panel Ordinary Council Meeting 10 December 2020 Motion With Notice - 16.3 Cr Barton – Planning Process and Decision Making Policy LPP 1.1 (Withdrawn) Ordinary Council Meeting 10 December 2020 P17/3747 - Review Of Local Planning Policy LPP 1.1 Planning Process And Decision Making Ordinary Council Meeting 21 March 2017.
Responsible Officer	: Mark Scarfone Acting Manager Statutory Planning

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (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

- At the May 2020 Ordinary Council Meeting, the Council resolved to endorse proposed changes to Local Planning Policy 1.1 'Planning Process and Decision Making' (LPP1.1) for the purpose of advertising.
- Advertising took place between 11 June and 3 July 2020, via an advertisement in the local paper, two posts on the City's social media and the Melville Talks page on the City's website. The social media posts were viewed approximately 3500 times and interacted with approximately 140 times.
- A total of six submissions were received during the advertising period, three in support, two objections and one comment.
- As a part of the consultation process the City gave notice of the proposed modifications to LPP1.1 to the Western Australian Planning Commission (WAPC). The Department of Planning Lands and Heritage provided a response on behalf of the WAPC to confirm that the proposed policy changes do not conflict with the provisions of the R-Codes.
- It is recommended that Council resolve to proceed with LPP1.1 without modification and notice is given in the local newspaper in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations.

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)**BACKGROUND**

A detailed background, covering the relevant aspects of the planning framework, the role of Local Planning Policy 1.1 'Planning Process and Decision making' (LPP1.1) and recent Council decisions was provided to Council as a part of the report included in the May Ordinary Council Meeting (OCM) agenda (P20/3840). This background is summarised as follows:

- In Western Australian, the planning framework is set by the State Government. The *Planning and Development Act 2005*, is supported by a number of pieces of regulation other associated documentation such as State Planning Policies and Planning Bulletins, produced by the Department of Planning, Lands and Heritage.
- At a local level, the City of Melville has prepared Local Planning Scheme No.6, a Local Planning Strategy and local planning policies.
- One of the key objectives of LPP1.1 is to ensure a consistent approach by the City in dealing with development applications and other development types.
- In December 2019, the Council resolved to make changes to the process for dealing with applications to be determined by the Development Assessment Panel (JDAP).
- In order to facilitate these changes LPP1.1 is required to be updated.

At the May 2020 Ordinary Council meeting, it was resolved to initiate changes to LPP1.1 for the purposes of advertising.

DETAIL

The details of the proposed changes to LPP 1.1 were provided to Council within the report included in the May OCM agenda (P20/3840). The version of LPP 1.1 attached in the link below shows all proposed modifications as track changes, including modifications resolved by Council at the May 2020 OCM.

[3874 LPP1.1 Planning Process and Decision Making Trackchanges with Council Modifications](#)

The key changes are summarised as follows:

- The process for dealing with applications to be determined by the JDAP has been updated.
- Updated process for advertising of development applications including a new requirement that certain types of standard development applications are advertised to adjoining landowners for comment irrespective of whether there is considered to be an adverse impact or not.
- Updated definition of relevant and non-relevant planning matters and new definition of standard development and mixed use development.
- Updated process for applications to be called up to DAU for consideration by Council.
- Updated numbering and multiple grammatical changes to improve the operation of the policy.

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)

At the May 2020 Council meeting, the Council resolved to initiate changes to LPP1.1 for the purposes of advertising subject to a number of amendments. These amendments were incorporated into the version of the policy which was advertised (see below).

3874 Proposed

LPP1.1 Planning Process and Decision for Advertising Final Copy

STAKEHOLDER ENGAGEMENT

The procedure for making or amending a local planning policy is set out in Clause 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Where substantial changes to a policy are proposed the Regulations require the local government to advertise via a notice in the newspaper and any other way it considers appropriate. The Regulations also require notice of the proposed policy changes to be given to the Western Australian Planning Commission where there is a possibility that the policy is inconsistent with a State Planning Policy. The results of the advertising process are covered in the subsections below.

I. COMMUNITY

Community consultation took place between 11 June and 3 July 2020, via an advertisement in the local paper, two posts on the City's social media and the Melville Talks page on the City's website. The social media posts were viewed approximately 3500 times and interacted with on about 140 occasions.

Six email submissions were received during the consultation period, three in support, two objections and one comment. The submissions are summarised in the tables below.

Summary	Object/Support	Officer comment
Recently impacted by an addition to a house next door which was constructed without consultation (x2).	Support	If a development meets the deemed to comply provisions of the R-Codes it may proceed straight to a building permit without a development approval. The proposed policy changes will not prevent this from occurring.
Changes make council more accountable to rate payers rather than big business or large projects like the wave park	Support	Noted.
Greater oversight is needed; amenity impact is a term which is too vague.	Object	Noted.
The proposed changes do not go far enough. The policy requires planners to make subjective decisions on development applications.	Object	Noted.

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)

Changes to the policy are not clear, incorrect numbering.	Noted	The City responded to this comment and updated the information on the website in response to this comment.
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II. OTHER AGENCIES / CONSULTANTS

The City consulted the Department of Planning, Lands and Heritage (DPLH) with regard to the proposed policy changes as introducing a mandatory requirement to advertise a development application, regardless of the potential impact, could potentially be inconsistent with the provisions of the R-Codes.

The DPLH confirmed that the proposed policy changes do not conflict with the R-Codes and therefore notice to the Western Australian Planning Commission is not required in this instance.

STATUTORY AND LEGAL IMPLICATIONS

The potential statutory or legal implications were identified in the previous report to the May OCM.

Development applications which do not require advertising are required to be determined within 60 days. Development applications which require advertising are required to be determined within 90 days. The additional time is in recognition of the 14 day advertising period and potential need for DAU and Council reports. The proposed policy change will result in a higher number of applications being advertised and therefore and therefore a longer time period for decision making even for relatively minor developments which may be considered to have no adverse impact on neighbouring amenity.

FINANCIAL IMPLICATIONS

The proposed changes to the policy may have resourcing implications for the City however the impact would not be known until the policy is in place.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic, risk and environmental implications of withdrawing delegation to submit an RAR to the JDAP were outlined in the previous report to Council.

As noted in the statutory implications above, the proposed policy changes will have an impact on the time taken to determine development applications as a greater percentage of applications will require advertising. This change is potentially inconsistent with the position of state and federal governments which promote the reduction of red tape where ever possible particularly in response to the COVID-19 pandemic. The DPLH has recently released draft modifications to State Planning Policy 7.3 Residential Design Codes – Volume 1. A key objective of these draft changes is to allow a broader range of small residential developments to proceed straight to a building permit application.

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)

While the proposed policy changes are potentially inconsistent with the objective of various tiers of government to reduce red tape, the changes do not conflict with the provisions of the R-Codes and therefore there is no impediment to the policy being adopted as proposed.

POLICY IMPLICATIONS

Local Planning Policy LPP 1.1 Planning Process and Decision Making enables a consistent approach by the City in relation to the assessment and public advertising of development applications.

COMMENT

The proposed modifications to the policy were discussed in the previous Council report on this matter however are summarised as follows:

1. The process for dealing with applications to be determined by the JDAP has been updated.
2. Updated process for advertising of development applications including the requirement that certain types of standard development applications are advertised to adjoining landowners for comment.
3. Updated definition of relevant and non-relevant planning matters, standard development and mixed use development.
4. Updated process for application to be called up to DAU for consideration by Council.
5. Updated numbering and multiple grammatical changes to improve the operation of the policy.

The policy changes address concerns raised by Elected Members in relation to the process for dealing with JDAP applications, the DAU process and by mandating advertising of particular development application types. The updated numbering and grammatical changes result in an improved layout.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may resolve not to proceed with the changes outlined above or determine that further changes to the policy are required.

CONCLUSION

Local Planning Policy 1.1 'Planning Process and Decision Making' has been updated to take into account concerns raised by Elected Members in relation to the JDAP and DAU process and neighbour consultation.

P20/3874 - REVIEW OF LOCAL PLANNING POLICY 1.1 'PLANNING PROCESS AND DECISION MAKING' – FOLLOWING ADVERTISING (REC) (ATTACHMENT)

The proposed policy changes have been referred to the Department of Planning, Lands and Heritage and are not considered to conflict with the provisions of State Planning Policy 7.3 Residential Design Codes – Volume 1.

The proposed changes are likely to result in increased timeframes for dealing with development applications and may result in more development applications being presented to the DAU and Council for determination. This may result in resourcing implications for the City and delays in dealing with applications.

If Council resolve to endorse Local Planning Policy 1.1 'Planning Process and Decision Making' as advertised, a notice of the policy will be published in the local newspaper as required by the Regulations. The City will also provide details of the changes, including a copy of this report on its website.

During the discussion and debate on this matter, it was requested that "Joint Metro Central Development Assessment Panel" in 18.2 and 18.3 of the proposed Local Planning Policy 1.1 Planning Process and Decision Making Policy - be amended administratively to "Metro Inner-South Joint Development Assessment Panel."

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3874)**APPROVAL**

At 9:48pm Cr Mair moved, seconded Cr Robins –

That the Council:

- 1. make the following minor amendments to the advertised version of Local Planning Policy 1.1 'Planning process and decision making':**
 - (a) Amend clause 3.11(d)(i) to include after "number", "property street address and any name associated with the property".**
 - (b) Amend clause 9.4(c) to delete "May also be" and substitute "are also" required.**
- 2. pursuant to Clause 4, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the changes to Local Planning Policy 1.1 'Planning Process and Decision Making' and publishes the notice of the policy in a local newspaper.**

At 9:52pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

3874 Proposed**LPP1.1 Planning Process and Decision for Advertising Final Copy**

At 9:51pm Cr Wheatland left the meeting and returned and 9:53pm.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

Ward	: Central Ward
Category	: Strategic
Subject Index	: Leisurefit Booragoon
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: 2020-2021 Capital Works Programme
Funding	: Existing approved capital works budgets amounting to circa \$4.5m. Additional \$2.5m funding required for the project as a whole.
Responsible Officer	: Mario Murphy Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)**KEY ISSUES / SUMMARY**

- Leisurefit Booragoon was constructed in 2000 and now requires major refurbishment works to the Leisure Pool, 50m Pool, and Heating Ventilation and Air-Conditioning (HVAC) system.
- There are significant structural issues with the Leisure Pool including deterioration of the concrete shell in a number of areas. The existing concrete strength does not meet the original design specification and there is a requirement to install a new ramp to meet the latest Disability and Access Inclusion Standards.
- Two options have been considered for the refurbishment of the Leisure Pool. It is recommended to proceed with Option B being the demolition and rebuild of the pool. This is due to significant risks attached with Option A (repair and retile the pool).
- There is minor corrosion and cracking evident in some areas of the 50m pool. These are not considered serious and it is recommended to retile the pool with localised repairs where required.
- The existing HVAC system has reached the end of its serviceable life and requires renewal of major components, particularly the Air Handling Units servicing the Leisure and 50m pool halls. In addition to extending the system life, the refurbishment of the HVAC will improve the existing air-quality in the pool halls.
- It was originally anticipated to stage the refurbishment works in Leisurefit Booragoon to keep at least one pool operational throughout the overall construction period. Given the recommendation to proceed with total demolition and rebuild of the Leisure Pool, it is not considered viable to keep 50m pool services operational during the demolition and construction works due to disruption impacts such as noise, dust and general construction works.
- Proceeding with all of the works concurrently will reduce the overall period of disruption to the facility and present the City with the opportunity to tender the construction works as one package thereby leveraging economies of scale to achieve best value for money.
- LeisureFit is seeking to partner with one or two local schools with pools in order to sustain as many of the City's programs as possible during the period of closure. In addition, LeisureFit is seeking opportunities for lap swimmers to utilise Melville Water Polo Club pool.
- Capital Works Budgets amounting to \$4,573,146 have been approved for the Leisurefit Booragoon refurbishment projects. The total cost of the projects is estimated at \$7,102,174.
- It is recommended that additional funding of \$2,529,028 be approved by Council to allow the City to tender for a single construction package in the 2020-2021 financial year, with costs to be mainly incurred during construction works in the 2021-2022 financial year.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)**BACKGROUND**

LeisureFit Booragoon was constructed in 2000. The City owns and operates the facility. Leisurefit Booragoon provides a wide range of services to the community including, but not limited to:

- Smaller Leisure indoor pool heated to 32 degrees with beach access.
- 50 metre 8 lane indoor pool heated to 27 degrees.
- Children's Water Playground.
- Gym.
- Group fitness studio.
- Indoor cycle studio.
- Wellness studio.
- Group training yard.
- Spa and Sauna.
- Meeting room for hire.
- Crèche, School Holiday and Afternoon Care for Children.

After 20 years of operation, refurbishment works are required to the Leisure Pool, 50m Pool and the HVAC system. The pools are constructed from tiled reinforced concrete and have not undergone any major refurbishment works since construction. To inform the development of refurbishment options for the Leisure and 50 metre pools, it was necessary to conduct a number of detailed investigations:

- BG&E Consultants were appointed to undertake structural engineering and material testing investigations to determine the condition of the existing concrete pool shells.
- O'Brien Harrop Access were appointed to conduct Disability Access Audits of the Leisure and 50 metre pools hall.
- Steens Gray & Kelly were appointed to carry out a condition audit of the HVAC system.

These investigations have informed the planning and development of the refurbishment solutions as outlined further in this report.

DETAIL**Leisure Pool**Structural Condition

A structural condition audit of the Leisure Pool was carried out by BG&E in August 2018. The key findings were:

- Deterioration of concrete and corrosion of steel reinforcement is occurring in a number of areas of the pool shell and gutters.
- The average concrete coverage over steel reinforcement is below design specification.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

- The compressive strength of the concrete pool shell was found to be below the design specification (i.e. 25MPa actual versus 32MPa design).
- Outward deflection of the eastern wall of the pool has occurred – causing buckling of steelwork grating.
- The concrete walls of the gutters show chlorine content (caused by excessive water absorption) at, or above, the threshold level to initiate corrosion.



Rust Staining on the tiles



Concrete deterioration in the Gutters

A follow-up audit was carried out by BG&E in November 2019. The report noted that the areas that exhibited deterioration in August 2018 were continuing to deteriorate. BG&E recommended that these areas be demolished rather than remediated. This included the internal walls and the northern, western and southern inner gutter walls.

Disability Access and Inclusion

A recent DAIP audit was commissioned by the City and completed by O'Brien Harrop. The audit recommended that direct ramp access be provided to the walking lanes for persons with a disability. Access to the pool is currently provided via steps.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)Changeroom Facilities

The existing changeroom facilities adjacent to the Leisure Pool have not been refurbished since the building opened and are in need of modernisation. A budget of \$100,000 was approved for these works in the 2019-2020 Capital Works Programme. This was subsequently rolled into the Leisure Pool refurbishment project, given the adjacency of the construction works and operational considerations.

Design Process

Donovan Payne Architects were appointed by the City in November 2019 to design and document a refurbishment solution for the Leisure Pool and supporting infrastructure. The key deliverables of the design solution are to:

- Repair or replace the concrete pool shell.
- Provide an access ramp to meet latest disability and access inclusion standards
- Reduce reverberation in the pool hall.
- Provide a contemporary level of amenity for the community.
- Provide improved change room facilities.
- Provide a warm water therapy / rehabilitation pool.

Donovan Payne have developed two concept design options for the refurbishment of the Leisure Pool and supporting facilities:

- *Option A:* Refurbish existing concrete pool shell and provide enhanced support facilities.
- *Option B:* Demolish the existing pool and construct a 20 metre multi-functional contemporary style pool with enhanced support facilities.

Option A – Scope of Works:

- Demolish and reinstate deteriorated sections of pool shell and gutters
- Strip and replace pool and pool-deck tiling
- Incorporate new access ramp
- Incorporate a contemporary water play feature
- Recoat the balance tank
- Refurbish existing change rooms
- New 'wet and dry' parent & children change rooms.
- Repaint all internal surfaces

[illegible]

Option B: Scope of Works:

- As Option B requires a re-build of a new pool shell, this presents the opportunity to provide operational and safety improvements and benefits over the current Leisure Pool layout:

- Page 91

[illegible]

The total project cost estimates for both options, prepared by Rawlinsons, are summarised below:

- Option A carries a high risk of issues being encountered during the construction works and with ongoing maintenance, such as:

- The consequences of the above risks include increased costs, construction time or potentially abandonment of the project. There is a recent example with the refurbishment of the Mandurah Aquatic Recreation Centre where an attempt to refurbish the existing pool was abandoned during construction with the entire pool demolished and a new steel-lined pool installed.

- Redundant demolition works carried out for the intent of constructing Option A
- Contractor delay costs on site.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

- Contractor premium charges for redesigned scope.
- Design fees to achieve construction documents for new scope of works
- Client internal overhead cost.
- Escalation costs.

Rawlinsons have estimated the abort costs in such a scenario to amount to \$550,000. The City would then have to switch to the Option B solution being the entire demolition of the existing pool and construction of a new pool.

Option B carries a much lower level of risk than Option A and offers a higher quality outcome. There is also a much lower level of risk of future maintenance issues plus Option B enables the City the opportunity to offer additional services that cannot be offered with Option A.

Considering the above risks, the risk-adjusted potential cost of Option A is:

Option A: Refurbish Existing Shell

Total project cost	\$3,582,453
Abortive risk cost	\$550,000
Extra-over cost to construct Option B	\$1,264,214
Total risk adjusted cost for Option A	<u>\$5,396,667</u>

Compared to:

Option B: Full Shell Replacement

Total Project Cost	<u>\$4,846,667</u>
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Considering the high-level of risk associated with Option A as outlined above, it is recommended that the City proceed with Option B as the preferred option for the refurbishment of the Leisure Pool.

50m Pool

Structural Condition

The findings from the structural condition audit carried out by BG&E were:

- Minor corrosion of steel reinforcement.
- Localised corrosion and cracking of concrete pool gutters.
- Pool tiles faded with localised rust stains and discoloured grouting.
- Significant rusting of stainless steel lane rope anchors.

Based on the structural condition audit, it is recommended that the pool be re-tiled with localised concrete repairs where required.

Disability Access and Inclusion

A recent DAIP audit was commissioned by the City and completed by O'Brien Harrop. The audit recommended:

- Replacement of tactile pavers.
- Provide space for wheel chairs in spectator seating area.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

- Adjust grade of pathway to spectator seating area
- Provide additional hand rails – various locations.

Design Process

The City is in the process of preparing a Request for Quotation to procure a consultant to design and document the refurbishment solution for the 50m pool. The key deliverables for the design team include:

- The production of an outcome-based technical specification for the repair and the retiling of the concrete pool shell.
- The specification shall be in form suitable for the procurement of a Design & Construct contractor to undertake the refurbishment of 50 metre pool and associated work
- Design / fully detail refurbishment solutions for the following:
 - Recoating the balance tank.
 - Repainting of all internal surfaces.
 - Retiling the pool concourse.
 - Recommendations from Disability Access Audit.
 - Compliance to National Construction Code.

The design and construction documentation is proposed to be included into the tender specification in order to reduce uncertainty and costs associated with the management of risk and therefore a more cost competitive tendering outcome.

Heating Ventilation and Air Conditioning (HVAC) Plant

There are a number of issues with the existing ventilation system in Leisurefit Booragoon:

- Aged plant requiring high maintenance
- Poor air quality in the pool halls with high levels of trichloramine, which is a chlorine derived gas that results in conditions known to affect the respiratory system
- Positive air pressure in the pool halls rather than the designed negative air pressure resulting in air from the pool halls being forced into the foyer areas

A condition audit of the existing HVAC plant was carried out by Steens, Gray & Kelly in May 2018. The key finding was that main components of plant, particularly the Air Handling Units (AHUs) were reaching the end of their serviceable life with only 3 years residual life remaining.

The City appointed Norman Disney Young in May 2020 to design and document a solution for the refurbishment of the existing HVAC system for the Leisure and 50m Pool Halls.

The refurbished HVAC system will deliver:

- A measureable improvement in indoor air quality by increased air supply and exhaust flow rates.
- An improvement in occupant comfort levels for swimmers, spectators and staff.
- Be energy efficient and environmentally sustainable.
- Be regularly fine-tuned to achieve optimum performance.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)**Project Schedule**

The City originally anticipated staging the refurbishment works with the aim to keep at least one pool operational throughout the works. Following the recommendation to proceed with the Option B design for the Leisure Pool, it is not considered viable to keep the 50m pool operational while the Leisure Pool works are proceeding. This is due to the high level of disruption, noise and dust that will accompany the demolition and rebuild of the Leisure Pool. The dry-side services and activities (gym/fitness studio etc.) will, however, remain operational throughout the works.

Proceeding with construction works for both pools concurrently will reduce the overall period of disruption to the facility. In addition, it provides the City with the opportunity to tender all of the refurbishment works as one construction package thereby leveraging economies of scale to achieve best value for money.

D.W. Kolagow & Associates, Project Planning Consultants, have estimated the construction timeframe for the refurbishment works (assuming a single package of work).

Key Milestones:

Issue Request for Tender	May 2021
Award Contract	September 2021
Site Commencement	October 2021
HVAC completion	June 2022
50m Pool Completion	June 2022
Leisure Pool Completion	October 2022

The refurbishment works will therefore require closure of the 50m pool for 9 months and the leisure pool for 12 months. In order to maintain as much aquatic programming as possible for the community during the closure period, LeisureFit is seeking to partner with local high schools with outdoor pools to provide some programmes.

Further investigative work will be required to ensure any improvements to these outdoor pools are made in advance of LeisureFit's pool closures to maximise their usability. In addition, LeisureFit is working towards facilitating increased public access to Melville Water Polo Club Pool for lap swimmers and other suitable activities for this facility.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The recommended design Option B for the refurbishment of the Leisure Pool and the replacement of the HVAC systems has been driven in part by feedback from patrons of LeisureFit Booragoon. The City has received a number of complaints about poor indoor air quality in the pool halls and congestion in the Leisure Pool.

Formal information sharing with the community and the various swimming and water pool groups will commence in October 2020 when the detailed design of the Leisure Pool commences.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

A detailed communications plan will be prepared. Information sharing with stakeholders will be conducted using various mediums including:

- A dedicated page on the City's website.
- Social media.
- Print media.

The information sharing process will continue throughout the life of the project.

In respect to offering alternative aquatic facilities to the community when the facilities at LeisureFit Booragoon are closed for refurbishment, Officers are currently exploring venue-sharing opportunities including:

- Negotiating with a local High School for access to their outdoor pool for water polo, swimming clubs and learn-to-swim school.
- Discussing public access to the aquatic facilities at the Melville Water Polo Club.

In addition, Officers will engage with other schools and organisations, including nearby Local Governments, with swimming pools regarding availability for community access.

Officers believe that alternative swimming venues can be successfully negotiated thereby substantially reducing the impact of the closure of aquatic facilities at LeisureFit Booragoon on the community.

II. OTHER AGENCIES / CONSULTANTS

The following consultants have been commissioned by the City thus far in the development of the Leisurefit Booragoon refurbishment projects:

- BG&E - Structural Condition Audits
- Donovan Payne Architects – Architectural Design
- Steens, Gray and Kelly – HVAC Condition Audit
- Norman Disney & Young – HVAC Design
- Rawlinsons - Cost Estimation
- O'Brien Harrop – Disability Access and Inclusion Audits

The Architectural design team are required to provide a Certificate of Design Compliance (CDC) for the design of the refurbishment works at LeisureFit Booragoon. The CDC issued by an independent Building Surveyor confirms that the designs for the refurbishment works are compliant with the National Construction Code of Australia, International HVAC standards and Disability, Access and Inclusion legislation.

The CDC and design drawings and technical specifications for the refurbishment works will be provided to the construction contractor to enable the contractor to make application for a Building Permit to the City's Building and Environmental Health Services Branch.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory and legal implications.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)**FINANCIAL IMPLICATIONS**Construction Cost Estimates:

• Leisure Pool Option B	\$4,846,667
• 50m Pool	\$1,569,000
• HVAC	\$686,507
• Total	\$7,102,174

Approved Budgets:*2018-2019 Capital Works Programme*

- 50m Pool \$1,025,000 (available from reserves)

2020-2021 Capital Works Programme

- Leisure Pool \$2,655,909
- 50m Pool + HVAC \$892,237

Total Approved Budgets \$4,573,146

Therefore there is an overall funding shortfall of approximately \$2.5m.

It is proposed to proceed with all projects as one construction contract to be tendered in the 2020-2021 financial year. However, the project will need to be cash flowed over the 2020-2021, 2021-2022 and 2022-2023 financial years.

The funding shortfall of \$2.5m will be funded by the Community Facilities Reserve.

It is noted that the City has ranked the refurbishment of the Leisure Pool as a priority for submitting in an application to the next round of the Community Sport and Recreation Facilities Fund (CSRFF) grant seeking \$1,615,556. If successful with the CSRFF application, the costs incurred by the City for this project would be reduced accordingly.

During the construction phase, it will not be possible to receive revenue for swim school, casual swimming, pool hire, squads and related activities. It is estimated that the loss of revenue for the Leisurefit Booragoon refurbishment works is likely to be between \$1.4m to \$1.5m over the 2021-22 and 2022-2023 financial years combined. This cost is unavoidable with any construction works associated with facilities that the City receives fees or charges to offset operational costs. The City is investigating alternative venues to accommodate Leisurefit Booragoon pool patrons through local schools and the Bicton Water Polo facility. Patrons will also have the option to attend pool facilities operating within nearby Local Governments.

It is relevant to note that the City is expecting to receive additional revenue of approx. \$600,000 for Leisurefit Booragoon above the reduced budgeted for the 2020-2021 financial year due to greater opening hours than that predicted as a result of restrictions associated with the COVID pandemic.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risks of proceeding with Option A for the Leisure Pool refurbishment have been outlined above. Additional High-Level Risks associated with the project and the additional recommendations are as listed below:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Project does not proceed leading to continued deterioration and ultimate failure of the Leisure Pool structure.	Major consequences which are almost certain, resulting in an Extreme level of risk.	Proceed with the refurbishment of the pool.
Non-availability of pool services during construction works leading to ongoing loss of custom post-completion.	Major consequences which are possible, resulting in a High level of risk.	Continuation of programs at off site locations, where viable. Ongoing customer communication, to maintain customer engagement. Sales and Marketing strategy for re-opening developed.
Disruption to other Leisurefit Services during construction works leading to loss of custom. Damage to other parts of the facility during construction works.	Moderate consequences which are possible, resulting in a Medium level of risk.	Detailed construction methodology required as deliverable during tender evaluation stage. Ongoing contract management and community communications during works.

POLICY IMPLICATIONS

There are no policy implications with this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative to Leisure Pool Option B (full shell replacement) is to proceed with Option A (refurbish existing shell). The risks associated with Option A are outlined above and considered to be very high across a number of factors, leading to the recommendation to proceed with Option B.

The alternative to completing all of the projects concurrently as one consolidated package is to stage the works. Due to the high level of disruption associated with full demolition of the Leisure Pool, this alternative staging option is not considered viable.

T20/3875 – LEISUREFIT BOORAGOON REFURBISHMENT WORKS (REC)**CONCLUSION**

The Leisurefit Booragoon facility has been operational for 20 years and requires refurbishment works to the Leisure Pool, the 50m Pool and the HVAC system.

Two design options have been prepared and considered for the refurbishment of the Leisure Pool. Due to the risks associated with Option A (refurbishment of existing shell), it is recommended to proceed with Option B (full shell replacement), involving full demolition and rebuild of the pool. This will necessitate the construction of all works concurrently as it will not be viable to stage works and keep the 50m pool services operational during the demolition and construction of the Leisure Pool.

This approach provides the City with the most favourable opportunity to procure all works as one construction package, thereby leveraging economies of scale to reduce overall cost with the higher quality outcome.

The estimated total cost of the works (Leisure Pool Option B, 50m Pool and HVAC) amounts to \$7,102,174, which is \$2,529,028 higher than currently approved budgets. It is recommended that additional funding of \$2,529,028 be approved to allow a construction tender to be issued in the 2020-2021 financial year, noting that the funds will not actually be spent until the 2021-2022 and 2022-2023 financial years.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3875)**ABSOLUTE MAJORITY**

At 9:52pm Cr Kepert moved, seconded Cr Barber –

That the Council:

- 1. Approves the adoption of Option B – full shell replacement for the refurbishment of the Leisure Pool.**
- 2. Approves additional funding of \$2,529,028 from the Community Facilities Reserve to facilitate the tendering of a single construction package for all of the Leisurefit Booragoon refurbishment works in 2020-2021 for a total project cost of \$7,102,174.**

At 9:58pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (13/0)

**T20/3876 - ATTADALE-ALFRED COVE MASTER PLAN - COMMUNITY CONSULTATION
AND PLAN PREPARATION (REC) (ATTACHMENT)**

Item brought forward.
See page 68.

CD20/8136 - ANNUAL AND FORWARD PLANNING COMMUNITY SPORTING AND RECREATION FACILITY FUNDING GRANT APPLICATION (REC)

Ward : All
 Category : Operational
 Subject Index : LeisureFit Booragoon
 Customer Index : LeisureFit Booragoon
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : 2021-2022
 Funding : N/A
 Responsible Officer : Todd Cahoon
 Manager Healthy Melville

AUTHORITY / DISCRETION

DEFINITION

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

CD20/8136 - ANNUAL AND FORWARD PLANNING COMMUNITY SPORTING AND RECREATION FACILITY FUNDING GRANT APPLICATION (REC)**KEY ISSUES / SUMMARY**

This report seeks the endorsement of the priority and ranking for the 2020-2021 Standard and Forward Planning Grants as part of the Community Sport and Recreation Facility Fund facilitated by the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

Each year, the Council prioritises and ranks applications for the Standard and Forward Planning Grants of the Community Sport and Recreation Facility Fund (CSRFF) that are within the City of Melville's boundary.

The Department of Local Government, Sport and Cultural Industries (formally Department of Sport and Recreation) have developed key principles of facility provision against which the allocation of funds are assessed. These principles are based on the need for a planned approach to facilities provision which takes account of justified needs, existing facilities and the social and financial impact of investing in new facilities.

When ranking and prioritising, the Local Government is asked to consider the Key Principles of Facility Provision, rank in order of priority (highest priority application being ranked as 1) and rate all applications based on:

- *A - Well planned and needed by municipality.*
- *B - Well planned and needed by applicant.*
- *C - Needed by municipality, more planning required.*
- *D - Needed by applicant, more planning required.*
- *E - Idea has merit, more planning work needed.*
- *F - Not recommended.*

The rating is to reflect how worthwhile the project is and indicate its importance on its actual benefit to the community.

The City has identified only one application for the 2021 - 2022 Standard and Forward Planning Funding Round, being; **Redevelopment of the leisure pool at LeisureFit Booragoon Leisure.**

DETAIL

LeisureFit Booragoon first opened in the year 2000. Since then it has proven to be a very popular community facility. In 2018 - 2019 the annual attendance to the aquatic facilities (50 meter and Leisure Pool) was over 417,848 meaning the asset has been well utilised for the past 20 years.

CD20/8136 - ANNUAL AND FORWARD PLANNING COMMUNITY SPORTING AND RECREATION FACILITY FUNDING GRANT APPLICATION (REC)

In addition to the aquatic attendance there is a further 419,341 attendance's using the Gymnasium, Health lounge, Circuit training, Cycle studio and Wellness rooms that make up the dry components that make up LeisureFit Booragoon. The total attendance at LeisureFit Booragoon in 2018 - 2019 was 837,189.

After 20 years of operation refurbishment works are required to the Leisure Pool, 50 metre Pool and the HVAC system. The pools are constructed from tiled reinforced concrete and have not undergone any major refurbishment works since construction. To inform the development of refurbishment options for the Leisure and 50 metre pools it was necessary to conduct a number of detailed investigations:

- BG&E Consultants were appointed to undertake structural engineering and material testing investigations to determine the condition of the existing concrete pool shells.
- O'Brien Harrop Access were appointed to conduct Disability Access Audits of the Leisure & 50 metre pools hall.
- Steens Gray & Kelly were appointed to carry out a condition audit of the HVAC system.

These investigations have informed the planning and development of the refurbishment solution and justification for the CSRFF application.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Public consultations to date have not taken place. However officers are currently:

- Negotiating with a local High School for access to their outdoor pool for water polo, Squads, programs and Swim School.
- Discussing public access to the aquatic facilities at the Melville Water Polo Club.

Additional enquiries will be made with other schools and organisation's with swimming pools regarding availability for community access to lessen the impact of the closure on the community.

A communications plan will be developed for the aquatic facilities closure and a web page set up to inform the general community of the progress of the works and promote what options are available to continue swimming activities during the closure.

II. OTHER AGENCIES / CONSULTANTS

The application has been discussed with the Department of Local Government, Sport and Cultural Industries.

CD20/8136 - ANNUAL AND FORWARD PLANNING COMMUNITY SPORTING AND RECREATION FACILITY FUNDING GRANT APPLICATION (REC)

STATUTORY AND LEGAL IMPLICATIONS

FINANCIAL IMPLICATIONS

Construction Cost Estimates:

Leisure Pool Option B	\$4,846,667
50m Pool	\$1,569,000
HVAC	\$686,507
Total	\$7,102,174

Approved Budgets:

<i>2018-2019 Capital Works Programme</i>	
50m Pool	\$1,025,000
<i>2020-2021 Capital Works Programme</i>	
Leisure Pool	\$2,655,909
50m Pool + HVAC	\$892,237
Total Approved Budgets	\$4,573,146

(available from reserves)

Council report T20/3875 – LeisureFit Booragoon Refurbishment Works is requesting the approval of \$2,529,028 to fund the shortfall.

The application relating to this report is seeking a contribution of \$1,615,556 from the State Government's CSRFF fund towards the replacement of the leisure pool.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Leisure Pool priority and ranking.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Grant funding application is not successful resulting in additional costs to the City.	Moderate consequences which are likely, resulting in a High level of risk	Support the officer's recommendation for the priority and rating of the application.

CD20/8136 - ANNUAL AND FORWARD PLANNING COMMUNITY SPORTING AND RECREATION FACILITY FUNDING GRANT APPLICATION (REC)**POLICY IMPLICATIONS**

Reference is given to several Council Policies that guide decision making by the Council with consideration to this report and include the following:

CP-028 Physical Activity Policy highlights the increase of opportunities for physical activity; leading to the improved health and wellbeing of the community.

CP-037 Neighbourhood Development – Community Hub Policy highlights that gaining the greatest community benefit can be achieved through the provision of facilities consolidated into community hubs.

CP-031 Asset Management Policy highlights that assets must be reviewed on a regular basis to ensure they remain relevant, have a demonstrated community need and are achieving optimal levels of service in a cost effective manner over the asset lifecycle.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could rate the application lower, however this would likely result in the application not being successful and would also be at odds with the demonstrated needs of the project.

CONCLUSION

The aquatic facilities at LeisureFit Booragoon have been operational for 20 years and require refurbishment works.

The proposed refurbishment of the leisure pool provides operational benefits which will result in improved accessibility, facility maintenance and overall user experience.

Maintaining the provision of a leisure pool is considered a high priority for the City that should receive a high rating as a much needed project by the municipality.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8136)**APPROVAL**

At 9:58pm Cr Robins moved, seconded Cr Baryon –

That the projects submitted for the 2020 Annual and Forward Planning Grants Round of the Community Sporting and Recreation Facilities Fund be prioritised and rated as follows:

Project A. City of Melville redevelopment of the leisure pool at Leisurefit Booragoon

Project Priority
Project Rating

1
A – well planned and needed by the municipality

At 9:58pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**CD20/8137 – MOUNT PLEASANT BOWLING CLUB REVIEW AND PETITION – LEASE
MT PLEASANT BOWLING CLUB (REC) (ATTACHMENT)**

Item brought forward.
See page 40.

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Audits - External
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M18/5648 – Recruitment of external member of the Financial Management, Audit, Risk and Compliance Committee - November 2018 Council Meeting Item M18/5661 – Appointment of External Member for the Financial Management, Audit, Risk and Compliance Committee – December 2018 Council Meeting.
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>

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)****KEY ISSUES / SUMMARY**

- The Financial Management, Audit, Risk and Compliance Committee (FMARCC) has a provision in its Charter for an external member to be appointed.
- Mr Lindsay Hay was appointed in December 2018 and his current term ends in October 2020.
- Mr Hay was approached and agreed to serve another term of two years from October 2020 to October 2022, subject to endorsement by the Council
- This report seeks the Council's approval to appoint Mr Hay for further two year term as the external member to the Financial Management, Audit, Risk and Compliance.

BACKGROUND

At the Council meeting held on the 19 September 2006 a Council resolution was passed by absolute majority decision that established the Financial Management, Audit, Risk and Compliance Committee as per the approved Committee Charter. The Council also approved the payment of an honorarium of up to \$2,500 per annum to be paid quarterly in arrears to the independent member of the Financial Management, Audit, Risk and Compliance Committee.

The Charter for the Committee outlines the following requirements relating to membership.

“3. Membership

- *In accordance with Section 7.1A (2) of the Local Government Act 1995 members of the Committee will be appointed by absolute majority decision of the Council;*
- *The Committee will comprise at least four persons of which at least three are to be Elected Members of the City of Melville and one other member who will be an independent person;*
- *Independent members will have no association with the Council either as a member, an officer or closely associated person;*
- *Where possible the majority of members shall have experience in business and/or financial and management reporting and risk management;*
- *The independent member shall be selected on the basis of their skills and experience in the financial and/or risk management environment;*
- *The CEO and designated City of Melville employees, whilst not permitted to be members of this Committee, will when requested be required to attend meetings of the Committee to provide advice and guidance to the committee;*
- *Membership of the Committee will be reviewed after every Local Government Election.*

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)****4. Meetings**

- *The Chairperson will call and conduct meetings of the Committee in accordance with the City of Melville's Standing Orders and the Local Government Act 1995 and Regulations;*
- *The Committee will meet at least four times per annum, with the timing of each meeting coinciding with the conduct of particular aspects of the City of Melville's audit, risk management and financial reporting cycle;*
- *An agenda, and written reports on the business to be conducted at the meeting, will be prepared and distributed to Committee members at least 72 hours prior to the meeting;*
- *Minutes of the Committee meeting proceedings and recommendations will be taken and submitted to Council for decision ;*
- *The External and Internal auditors will be invited to attend at least one meeting per calendar year, but may be invited at any time to address the Committee on any issues the Committee believes necessary."*

DETAIL

As per the Financial Management, Audit, Risk and Compliance Committee (FMARCC) Charter, membership is to be reviewed every two years. The current external member to the Committee, Mr Lindsay Hay, was appointed to the FMARCC through the Council's absolute majority decision in December 2018 (Item M18/5661). His appointment followed an external recruitment process and the appointment is to October 2020.

On 11 December 2018 the Council resolved:

"That the Council accepts the Financial Management, Audit, Risk and Compliance Committee's Selection Panel's recommended candidate and appoints the person named in Confidential Attachment A to the position of External Member of the Financial Management, Audit, Risk and Compliance Committee for a term ending in October 2020"

The previous external member prior to Mr Hay was appointed in 2009 and his membership was extended through to 2018.

During the two year period Mr Hay attended all seven Committee Meetings held.

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

The FMARCC has an important role, as outlined in the Committee Charter, with specific responsibilities that include:

- **“Financial reporting**
 - *Overseeing compliance with statutory responsibilities relating to financial disclosure;*
 - *Reviewing the adequacy of financial management reporting;*
 - *Ensuring that Elected Members are provided with financial and non-financial information that is of high quality and relevant to the judgements to be made by them;*
 - *Reviewing the draft annual financial report and all publicly published financial statements, focusing on:*
 - *significant changes in accounting policies;*
 - *significant adjustments to the financial report arising from the audit process;*
 - *compliance with accounting standards and other reporting requirements.*
- **Accounting Policies**
 - *Reviewing any changes to accounting standards and policies and their impact on financial statements.*
- **Internal Controls, Risk and Insurance Profile**
 - *Reviewing the City of Melville’s enterprise risk management framework;*
 - *Reviewing and assess the City of Melville’s approach to the management of risks to ensure that risks are appropriately managed and where economical and practicable to do so, residual risks are appropriately insured;*
 - *Ensuring that opportunities to better manage risks are identified and if feasible, implemented;*
 - *Ensuring business continuity and disaster recovery plans are in place and causing such plans to be tested on a periodic basis;*
 - *Ensuring that controls are established and maintained in order to safeguard the City of Melville’s financial and physical resources;*
 - *Reviewing and assessing management programs and policies in relation to internal controls over the financial and reporting systems including delegations of authority.*

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

- **Audit**
 - *Providing guidance and assistance to the Council in relation to:*
 - *The process for the selection and appointment of external auditor;*
 - *Recommending to the Council the person to be appointed as auditor;*
 - *Develop and recommend to the Council a written agreement for the appointment of the auditor including conditions;*
 - *Reviewing the annual audit plan with the external and internal auditors to consider its scope and effectiveness;*
 - *Reviewing the information and recommendations provided by external and internal auditors including the responses of management;*
 - *Reviewing any unresolved issues between management and the external and internal auditors and actions planned to obtain resolution;*
 - *Reviewing the performance of any contracted external and internal auditors.*
- **Compliance**
 - *Ensuring that the procedures established to monitor compliance with statutory requirements, regulations and contractual obligations are appropriate;*
 - *Reviewing the annual Statutory Compliance Audit Return and make recommendations to the Council on acceptance and any actions identified as a result of the Return."*

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community stakeholder engagement is required.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies of consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* requires an Audit Committee to be established.

"7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members."*

* Absolute majority required.

The Local Government Operational Guidelines Number 09 advise the following relating to Committee membership:

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

“Membership

The Act requires that an audit committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the audit committee.

If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.”

The Council has previously resolved to appoint an external member to the Committee that conforms to the recommended position of the Department of Local Government, Sport and Cultural Industries.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2020-21 budget for the payment of the honorarium. If the City was to readvertise the position additional recruitment costs such as advertising, interview panel members' time and administration costs would be incurred

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications. The appointment of an experienced person in the role is expected to mitigate financial and other risks that come before the FMARCC.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Loss of experience and knowledge by not re-appointing current external member.	Low consequences which are likely, resulting in a Low level of risk.	To appoint the current External Member for a further 2 year term.

POLICY IMPLICATIONS

The Charter for Financial Management, Audit, Risk and Compliance Committee outlines the Committee's membership requirement, including the position of an independent person, and that all positions on the Committee are to be appointed by Absolute Majority.

There is no policy implications associated with this report.

**M20/5775 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Committee could chose not to renew the appointment of the External Member, Mr Lindsay Hay, for a further term and instead recommend a recruitment process be undertaken to fill the external member position. The Council could also recommend not to have a public member on the Committee.

CONCLUSION

This report recommends that in accordance with legislative requirement and the Charter for the Financial Management, Audit, Risk and Compliance Committee that Mr Hay be reaffirmed as the external member for that Committee for a further term of two years, concluding October 2022.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5775)
ABSOLUTE MAJORITY**

At 9:59pm Cr Wheatland moved, seconded Cr Macphail –

That the Council reappoint Mr Lindsay Hay to the position of External Member on the Financial Management, Audit, Risk and Compliance Committee for a further two years with the term ending in October 2022.

At 9:59pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 August 2020 for the Council's information and noting.

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

BACKGROUND

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

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

DETAIL

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 AUGUST 2020		
SUMMARY BY FUND		
Municipal		\$29,944,657
Reserve		\$156,682,842
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$186,845,278
SUMMARY BY INVESTMENT TYPE		
11AM		\$7,849,634
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$154,220,473
Units (Local Govt Hse)		\$175,171
TOTAL		\$186,845,278
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$128,170,106
A Category (A+ to A-)	A+	\$28,500,000
	A	
	A-	
BBB+ Category	BBB+	\$30,000,000
Units (Local Government House)		\$175,171
TOTAL		\$186,845,278

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

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 6,000,000	3.21%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,500,000	13.65%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 4,500,000	2.41%	15.00%	✓
CBA	AA-	AA Category	\$ 31,500,000	16.86%	30.00%	✓
Macquarie	A+	A Category	\$ 15,000,000	8.03%	25.00%	✓
NAB	AA-	AA Category	\$ 42,228,547	22.60%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 13,500,000	7.23%	25.00%	✓
Westpac	AA-	AA Category	\$ 48,441,560	25.93%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
TOTAL			\$ 186,845,278	100%		

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

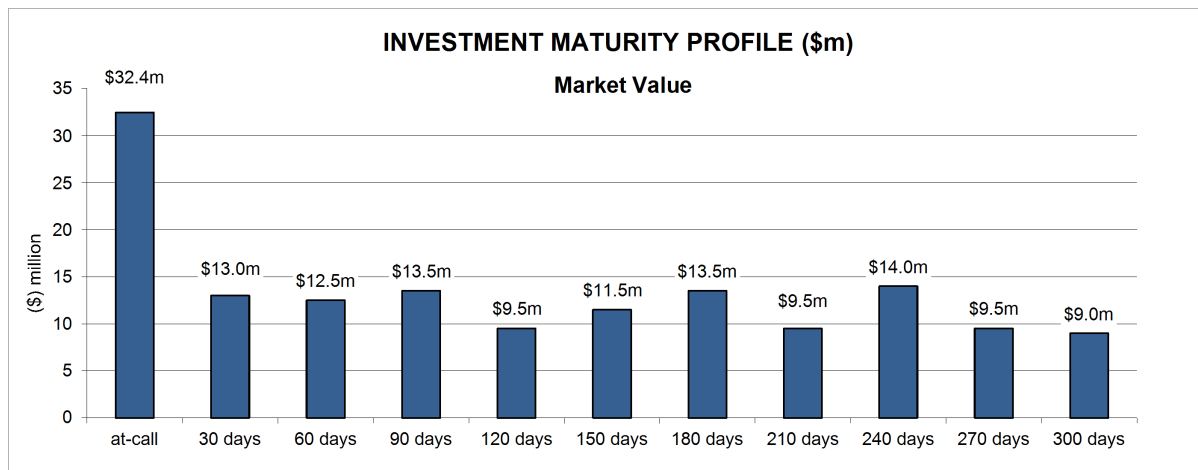
The City's investments were invested within the limits allowed within each category rating for August 2020.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 128,170,106	69%	80%	✓
A Category (A+ to A-)	\$ 28,500,000	15%	50%	✓
BBB+ Category	\$ 30,000,000	16%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
TOTAL	\$ 186,845,278	100%		

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

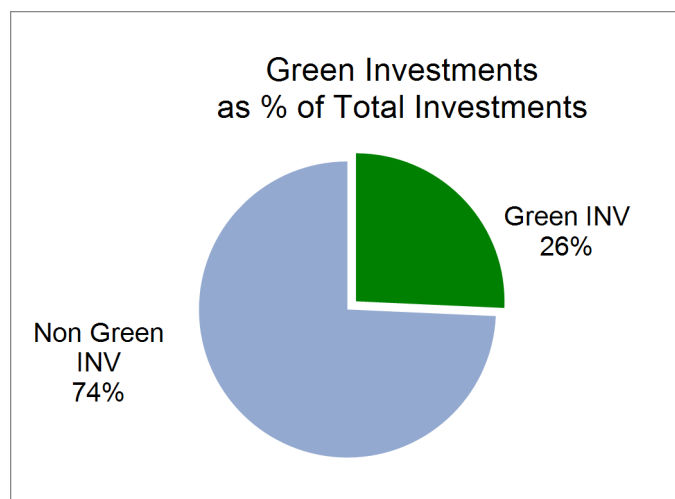
C20/6000 - INVESTMENT STATEMENTS FOR 31 AUGUST 2020 (REC)

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



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 August 2020 was \$48,000,000 or 26% of total investment holdings being in non-fossil fuels institutions, compared to \$43,300,000 (25%) in July 2020. The total investments holding for August and July were \$186,845,278 and \$171,145,278 respectively.



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

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards 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.

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

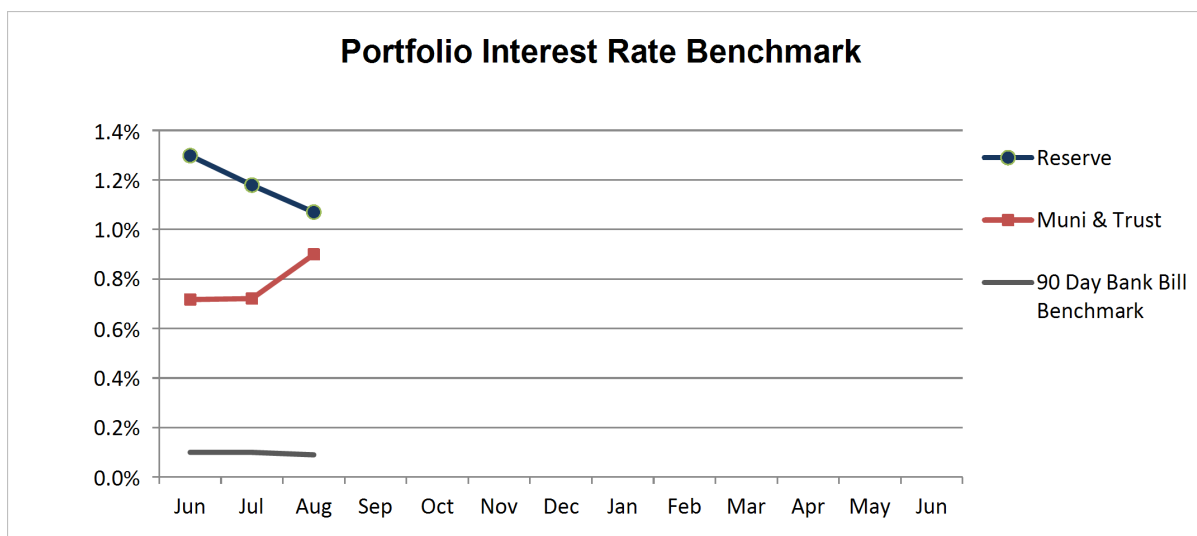
FINANCIAL IMPLICATIONS

For the period ending 31 August 2020:

- Investment earnings on Municipal and Trust Funds were \$52,287 against a year to date budget of \$12,500 representing a positive variance of \$39,787 as a result of new investments during the month of August 2020.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 August 2020 was 0.89% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.09%.

- Investment earnings on Reserve accounts were \$233,657 against a year to date budget of \$237,500 representing a negative variance of \$3,843. The weighted average interest rate for Reserve account investments as at 31 August 2020 was 1.07% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.09%.
- The total investment as at 31 August has increased by \$15,700,000 to \$186,845,278, or 8.40 per cent compared to last month mainly due to healthy City's rates revenue collection.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

Priority Number Five- Ensure long term financial sustainability – “Restricted current revenue base and increasing/changing service demands impacts on rates”.

C20/6000 - INVESTMENT STATEMENTS FOR 31 AUGUST 2020 (REC)**Risk**

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

Environmental

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

It should be noted that Green Investment has increased from 22% in January to 26% in August 2020.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.89% to 1.07% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.09%.

26% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 25% in July 2020.

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

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

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

At 9:59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

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

BACKGROUND

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

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

DETAIL

The Schedule of Accounts Paid for August including Payment Register numbers, Cheques: 764-767, Electronic Funds Transfers batches: 660-665, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28 August 2020.

In line with the COVID-19 Response, Relief and Recovery Plan, the City has introduced the weekly creditor payment run for Five months ending 31 August to minimise the financial hardship on City local businesses and suppliers. Total of \$5,937,713 direct creditor payments made over the month, of which, 43% of payments were paid to suppliers located within the City of Melville and 49% to suppliers within the South West Group, compared to 22% and 33% of the total of \$7,580,619 direct creditor payments made over July, respectively.

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

SCHEDULE OF PAYMENTS MADE		
August 2020		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 764 to 767	\$42,882.60
	Chq Payment on Restricted Funds Register No.	
	Less Cancelled Chqs	
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 660,662,663 and 665	\$5,723,062.10
	EFT Payment on Restricted Funds Register No. 98,661 and 664	\$172,507.10
	Less Cancelled EFTs	(\$738.19)
		\$5,937,713.61
<i>Direct Debits</i>	Bank Fees	\$46,409.38
	Caltex Fuel	\$65,580.89
<i>Direct Payments</i>		\$2,042.37
	Total Direct Creditor Payments	\$6,051,746.25
<i>Payroll</i>	Total Pay 3 and 4	\$3,473,127.18
	Total Payroll	\$3,473,127.18
<i>Cards</i>	Corporate Cards	(\$2,400.35)
	Purchase Cards	\$41,356.00
	American Express	\$871.33
	Total Card Payments	\$39,826.98
Total Direct Creditor Payments from Municipal Account		\$9,564,700.41

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

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$3,300,660.78)
Reserve			\$3,300,660.78
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	10/08/2020		\$1,000,000.00
Bendigo Bank	11/08/2020		\$1,500,000.00
National Australia Bank	11/08/2020		\$2,000,000.00
Commonwealth Bank Green	12/08/2020		\$1,500,000.00
National Australia Bank	13/08/2020		\$1,000,000.00
Commonwealth Bank Green	17/08/2020		\$2,000,000.00
National Australia Bank	19/08/2020		\$1,000,000.00
Commonwealth Bank Green	19/08/2020		\$1,000,000.00
Westpac Bank	21/08/2020		\$500,000.00
National Australia Bank	24/08/2020		\$1,000,000.00
National Australia Bank	25/08/2020		\$1,000,000.00
National Australia Bank	26/08/2020		\$1,000,000.00
Bank of Queensland	27/08/2020		\$1,000,000.00
Bank of Queensland	28/08/2020		\$1,500,000.00
National Australia Bank	28/08/2020		\$2,000,000.00
<i>Total New Investments</i>			\$19,000,000.00
Grand Total			\$28,564,700.41

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

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

Not applicable.

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$28,564,700.41.

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 August 2020 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details August 2020](#).

At 9:59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

16. EN BLOC ITEMS

At 9:59pm Cr Sandford moved, seconded Cr Fitzgerald—

That the recommendations for items, C19/6000 and C19/6001 be carried En Bloc.

At 9:59pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 August 2020 and recommends that they be noted by the Council. • Year end processes are still underway and therefore, the final figures for August 2020 may be different from what is presented in this report. • The variances for the month of 31 August 2020 and recommends that they be noted by the Council. • The Budget amendments required for the month of 31 August 2020 and recommends that they be adopted by Absolute Majority decision of the Council.
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**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR AUGUST 2020 (AMREC)
(ATTACHMENTS)****BACKGROUND**

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

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The end of financial year processes for 2019-2020 are still underway and therefore the final figures for August may be different from what is presented in this report. These will be reflected in the September month-end report.
- Budget adjustments will be made during coming months to reflect changes in the budget assumptions particularly related to the impact of COVID-19.
- Rates raised year to date were \$79,996,219 with a negative variance of \$137,319 compared to the year to date annual budget of \$80,133,538. Interim rate adjustments generated to the end of August were \$47,206 over budget for residential properties, \$53,284 under budget for commercial properties, and rates concessions were \$131,241 over budget.

Rates concessions granted as part of the City's stimulus package were greater than budget due to the impact of multi-unit, single title properties, that were not considered per individual unit when formulating the 2020-2021 budget.

Rates collection progress for August is 21.5% which is below the target of 42.6% rates collection by the end of the month due mainly to the first instalment being in September rather than August.

- Total debtor collections for August equalled \$22,094,829 and year to date total debtors including rates, and sundry debtors were \$86,638,679 which is materially higher (54%) than the total debtors of \$56,129,988 at the same time of the previous year.

Higher debtors balance in August was due to the slower recovery in the City's debtor collection as a result of COVID-19 and rates notices were issued on the 5 August compared with an issue date of 23 July last year and 1st instalment due date of 10 September 2020 which was 28 August for 2019-2020 financial year.

- A total of \$16,317 in revenue was waived in August 2020 of which, \$10,711 relates to the Community Stimulus Package adopted by Council on 9 April. Total waivers since 9 April under the Community Stimulus Package total \$188,685.
- In August 2020, the total investments have increased by \$15,700,000 to \$186,845,278 or 8.4% compared to last month mainly due to the collection of 1st instalment of City's rates revenue. 83.8% of the City's investment portfolio is held in reserve accounts which are restricted to the defined purpose for which the reserve account was established.

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

DETAIL

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

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

Variances

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

[6002C Statement Sub Program August 2020](#): Rate Setting Statement by Sub-Program

[6002H Statement of Variances August 2020](#): Statement of Variances in Excess of \$50,000

Revenue

Rates raised as at August were \$79,996,219, compared to a year to date budget of \$80,133,537. The negative variance of \$137,319 due to rates concessions, as part of the City's stimulus package, were greater than budget due to the impact of multi unit/single title properties that were not considered per individual unit when formulating the budget.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	9,560,511	9,560,511	0%	6,607,681	45%
Debtors Raised	99,884,977	99,891,672	0%	114,423,869	-13%
Payments Received	(23,438,647)	(1,627,019)	1341%	(65,587,093)	-64%
Closing Balance	86,006,842	107,825,165	-20%	55,444,457	55%

Total rate debtor collections for the month equalled \$21,811,628.

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

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	1,083,102	821,959	32%	1,626,590	-33%
Receipts	(709,142)	(425,941)	66%	(1,412,444)	-50%
Prepayments	19,011	16,335	16%	38,513	-51%
Closing Balance	1,631,837	1,651,218	-1%	685,531	138%

Sundry debtor balances decreased by \$19,381 over the course of August from \$1,651,218 to \$1,631,837 of which total 90 day sundry debtors over \$1,000 for the month is \$534,543, representing 33% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for August 2020.

Budget Amendments

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

Granting of concession or writing off debts owed to the City

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

The following debts totalling \$16,317.12 were waived for the month of August 2020.

Under the Delegation DA-032,

- \$5,606.47 was written off under delegated authority in the month of August 2020 due lot size, land size (8sqm) and land use. This was back dated to 2015-2016.
- \$10,710.65 was waived for non for profits and sporting associations in August 2020 under the Melville Community Stimulus Package approved by the Council on 9 April.

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR AUGUST 2020 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 August 2020. As noted in this report the financial statements for 2019-2020 have not been finalised and audited and as such the results as presented for August 2020 could be subject to change.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002.1)
NOTING and ABSOLUTE MAJORITY

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

That the Council:

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

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

At 10:03pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002.2)
ABSOLUTE MAJORITY

At 10.03pm Cr Barton moved, seconded Cr Barber –

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

At 10:03pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (13/0)

Procedural Motion

At 10:05pm Cr Kepert moved, seconded Cr Barton -

That the meeting be adjourned to 6:30pm Wednesday 21 October 2020.

At 10:05pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 10:05pm the Mayor advised the meeting is adjourned the meeting to 6.30pm, Wednesday 21 October 2020.

MEETING RECOMMENCEMENT

The Mayor, Honourable George Gear advised that the Meeting that was adjourned at 10:05pm on Tuesday 20 October 2020 is recommenced at 6.36pm on Wednesday 21 October 2020 and welcomed everyone back to the meeting.

At the recommencement of the meeting the following Elected Members and officers were in attendance:

Mayor Honourable G Gear

COUNCILLORS

WARD

Cr J Barton (Deputy Mayor)	Bicton – Attadale – Alfred Cove
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr N Robins	Bateman – Kardinya – Murdoch
Cr D Macphail	Bateman – Kardinya – Murdoch
Cr M Woodall	Bull Creek – Leeming
Cr K Wheatland (9:22pm - 10.06pm)	Palmyra – Melville – Willagee (electronic attendance)
Cr M Sandford	Central
Cr K Mair	Central
Cr S Kepert	Applecross – Mount Pleasant
Cr N Pazolli	Applecross – Mount Pleasant

IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr A Ferris	Director Corporate Services
Mr G Ponton	A/Director Urban Planning
Ms C Young	Director Community Development
Mr L Hitchcock	Executive Manager Governance and Legal Services
Ms L Reid (9:18pm – 10:04pm)	Manager Cultural Services
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms T Wright	Governance Officer

At the recommencement of the meeting, there were 13 members of the public in the Council Chambers and 4 members of the public and no representative from the Press in attendance electronically.

APOLOGIES AND APPROVED LEAVE OF ABSENCE

Apologies

Cr K Wheatland (late arrival)	Palmyra – Melville – Willagee
Cr T Fitzgerald	Palmyra – Melville – Willagee
Cr C Robartson	Bull Creek - Leeming

Approved Leave Of Absence

Nil.

At 6:37pm the Mayor brought forward Motion Without Notice 18.2 – Relocation of Southern Boundary Canning Bridge Activity Centre Plan for the convenience of the public gallery and approved a deputation from Ms Waldron Hartfield on this item

Disclosures of Interest

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

At 6:37pm having declared an interest in this matter, Cr Mair left the meeting.

At 6:43pm Ms R Waldron-Hartfield entered the Chambers for the purpose of making a deputation in relation to 18.2 - Relocation of Southern Boundary Canning Bridge Activity Centre Plan. The presentation concluded at 6:47pm. At 6:54pm Mr Waldron-Hartfield departed the Council Chambers.

18.2 Relocation of Southern Boundary Canning Bridge Activity Centre Plan

COUNCIL RESOLUTION

At 6:54pm Cr Kepert moved, seconded Cr Pazolli –

That Cr Sandford be permitted to present to the Council a Motion Without Notice relating to Relocation of Southern Boundary Canning Bridge Activity Centre Plan.

At 6:54pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (9/0)

Motion

At 6:54pm Cr Sandford moved, seconded Cr Kepert –

Directs the CEO to immediately take steps to commence the implementation of a modification to the south-eastern (or as described by City Officers, the south-western) boundary of the Canning Bridge Activity Centre Plan, so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with the attached proposed boundary plan.

COUNCIL RESOLUTION

At 7:01pm Cr Barton moved, seconded Cr Kepert–

That Cr Sandford be granted a further 5 minutes to speak on this matter.

At 7:01pm the Mayor declared the motion

CARRIED UNANIMOUSLY (9/0)

18.2 Relocation of Southern Boundary Canning Bridge Activity Centre Plan

Procedural Motion

At 7:54pm Cr Macphail moved, seconded Cr Robins

That the motion be deferred to the 17 November 2020 Ordinary Meeting of Council.

At 7:54pm the Mayor declared the motion

LOST (3/6)

Vote Result Summary	
Yes	3
No	6

Cr Macphail	Yes
Cr Robins	Yes
Cr Woodall	Yes
Cr Barber	No
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Cr Sandford	No
Mayor Gear	No

At 7:55pm seconder consented to the inclusion of the words "That the area removed from the Canning Bridge Activity Centre being zoned to R20" and the end of the motion.

COUNCIL RESOLUTION

At 6:54pm Cr Sandford moved, seconded Cr Kepert –

Directs the CEO to immediately take steps to commence the implementation of a modification to the south-eastern (or as described by City Officers, the south-western) boundary of the Canning Bridge Activity Centre Plan, so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with the attached proposed boundary plan. That the area removed from the Canning Bridge Activity Centre being zoned to R20.

At 7:57pm the Mayor declared the motion

CARRIED (7/2)

Vote Result Summary	
Yes	7
No	2

Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Macphail	No
Cr Robins	No

18.2 Relocation of Southern Boundary Canning Bridge Activity Centre Plan**Reasons for the Motion as provided by Cr Sandford**

1. At the Ordinary Meeting of Council on 19 May 2020 three petitions by residents seeking modification to the south eastern boundary of the CBACP were considered, noted, and strongly supported.
2. The modification requested by the Petitioners was to move this boundary so that it follows road carriageways along Helm Street, Sleat Road and Wren Street to Ullapool road, Mount Pleasant, in order to prevent the mid-block property boundaries which have arisen in View Road, Mount Pleasant, and which continue to be of great concern to residents.
3. Council passed a resolution (carried: 9/2) with overwhelming support of this request at the May 2020 OMC.
4. Notwithstanding the Petitioners' request for the boundary relocation to be implemented immediately, Council followed the Officers' recommendation that the request be noted with support, and that the modification be considered as part of the larger comprehensive review of the CBACP. The Council resolution provided that the CEO: "Ensures that consultants appointed to undertake the comprehensive review commence work on the review as soon as possible and expedites the completion of the review by 15 June 2021" (my emphasis).
5. It is now very clear that the comprehensive CBACP review will not be completed by 15 June 2021, or any time thereabouts. Consequently the residents impacted by the delay in implementation of the boundary change, and also prospective developers, are faced with great uncertainty for an indefinite and likely lengthy, further period of time. In the circumstances it is unreasonable and unacceptable for the intended time frame in Council's May 2020 decision to be frustrated and unmet by allowing this issue to remain unresolved and uncertain for such a prolonged period of time.
6. Impact of delay in boundary change on Residents:
 - (a) Impacted residents consider that the deferral to the comprehensive review creates a delay which will enable further development applications to be lodged within the area impacted, to be approved and to proceed. This delay supports the argument that it will too late to implement the modification 'because the horse will have already bolted'. To counter this risk, residents need the modification to be undertaken immediately.
 - (b) Alternatively, residents suggested that if the modification were held over as part of the comprehensive review, that there be a moratorium placed on development in the impacted area until the review was completed. This would have preserved the rights of everyone and would have prevented developments proceeding which, once approved and/or commenced to be built, would create a new argument against the boundary change requested by the Petitioners; however, residents were advised that a moratorium on development approvals was not possible.
 - (c) The fact that a moratorium is not possible is ample reason for the Council to now move to commence the boundary change process immediately to protect the interests of residents currently and potentially adversely impacted by the mid-block boundary. This is what the Petitioners requested, and according to the Petitioners, is what the majority of residents want.

18.2 Relocation of Southern Boundary Canning Bridge Activity Centre Plan

7. Impact of delay in boundary change on Developers:
 - (a) At the Agenda Forum Briefing on 5 November 2019, the architect for the proposed development at 4A View Road, Mount Pleasant (Mr Giles Hardon-Jones) acknowledged the problem arising from the midblock boundary to the CBACP. In answer to a question from Cr Pazolli about what happens to the rights of the property owner left in the R20 zone on the edge of the CBACP (namely, Ms Waldron-Hartfield): He said "I think fundamentally, you've got to move the line. That's it. If you move the line you solve the problem. We can have legal opinions until the cows come home and spend an awful lot of money doing it, but until you move the line it's not going to go away."
8. It is in the best interests of all stakeholders and residents, and imperative, that no further delays should be allowed to continue the uncertainty arising from the inexplicable and unjustifiable placement of the CBACP boundary mid-block.
9. If the Council resolves to make the immediate modification requested, it is likely that the process, including the necessary review by the WAPC, will be completed by 15 June 2021 (See attached indicative Time Frame). This would meet the timeframe set by the Council at the May 2020 OMC. As the implementation process would include community consultation, there will be the opportunity for all those affected or with views on this matter, including residents and developers, to provide comment.
10. At the May 2020 OMC Council strongly supported the request for the boundary modification requested by the Petitioners and then anticipated there would be completion of the comprehensive CBACP review by 15 June 2021. As this will not be the case, it is unfair and untenable to allow peoples' lives to remain in limbo indefinitely. Council can and should accelerate the relocation of the boundary forthwith to provide certainty for residents and developers by resolving to make this change and allowing the implementation process to commence immediately.

Cr Sandford Motion Without Notice Relocation Of Southern Boundary CBACP

At 7:57pm the Mayor brought forward Motions of Which Previous Notice has Been Given Previous Notice

- Creation of a new Council policy: Elected Member Access to Information
- Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

At 7:58pm Cr Kepert left the meeting and returned at 7:59pm.

At 7:59pm Cr Robins left the meeting and returned at 8:01pm.

At 8:00pm Cr Pazolli left the meeting and returned at 8:02pm.

At 8:00pm Mr Taylor left the meeting and returned at 8:01pm.

At 8:00pm Cr Barber left the meeting and returned at 8:02pm.

At 8:01pm Cr Mair left the meeting and returned at 8:01pm.

At 8:01pm Cr Macphail left the meeting and returned at 8:04pm.

At 8:01pm Cr Mair returned to the meeting.

17 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN PREVIOUS NOTICE

17.1 Creation of a new Council policy: Elected Member Access to Information

In accordance with Meeting Procedure Local Law 2017 Clause 6.4 (4)(c) [Late Item M20/5780 - Creation of New Policy: Elected Members Access To Information](#) as presented to the meeting that contained officer comment on the Motion with Notice and an Officer recommendation.

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

The Council directs the CEO to create a new Council Policy with the following terms of reference:

- 1. City of Melville Elected Members are to be able to access any record held by the City of Melville.**
- 2. All information, including records and documents, held by the City of Melville is considered relevant to performance of an Elected Member of the City of Melville.**
- 3. Inclusion of relevant definitions including information, records and documents as defined by relevant legislation.**
- 4. Where information is not provided to Elected Members, a reason must be given and the item to be addressed by the Governance Committee within 14 days.**
- 5. Where no reason or information has been provided, the item is to be addressed by the Governance Committee within 21 days after the information was first sought by the Elected Member.**
- 6. The policy is not to include any non-legislative advice.**
- 7. The draft policy is to be brought to an Elected Member workshop at the earliest opportunity.**

The policy is to be presented to the Council at the earliest opportunity.

17.1 Motion with Notice - Creation of a new Council policy: Elected Member Access to Information

At 8:23pm during discussion and debate on the motion, the seconder consented to the inclusion of the words "The draft policy is to be brought to an Elected Members Workshop at the earliest opportunity."

COUNCIL RESOLUTION

The Council directs the CEO to create a new Council Policy with the following terms of reference:

- 1. City of Melville Elected Members are to be able to access any record held by the City of Melville.**
- 2. All information, including records and documents, held by the City of Melville is considered relevant to performance of an Elected Member of the City of Melville.**
- 3. Inclusion of relevant definitions including information, records and documents as defined by relevant legislation.**
- 4. Where information is not provided to Elected Members, a reason must be given and the item to be addressed by the Governance Committee within 14 days.**
- 5. Where no reason or information has been provided, the item is to be addressed by the Governance Committee within 21 days after the information was first sought by the Elected Member.**
- 6. The policy is not to include any non-legislative advice.**

The draft policy is to be brought to Elected Members Workshop at the earliest opportunity.

The policy is to be presented to the Council at the earliest opportunity.

At 8:33pm the Mayor declared the motion

CARRIED (7/3)

Vote Result Summary	
Yes	7
No	3

Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Mayor Gear	Yes
Cr Macphail	No
Cr Robins	No
Cr Woodall	No

At 8:03pm Cr Woodall left the meeting and returned at 8:05pm.

At 8:06pm Ms Young left the meeting and returned at 8:08pm.

17.1 Motion with Notice - Creation of a new Council policy: Elected Member Access to InformationReasons for the motion as provided by Cr Kepert

A new Council Policy is required to clearly outline the access to information for City of Melville Elected Members.

It is fundamental to the role of Elected Members in carrying out their duties to be able to access information, including records and documents, of the organisation they govern and oversee.

Elected Members' access to information, including access to documents created and held by the local governments they oversee and govern, is clearly set out in the *Local Government Act 1995*:

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

Any record held by a local government is relevant to an Elected Member who governs and oversees that organisation. Any record held by the City of Melville is relevant to an Elected Member of the City of Melville.

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

In accordance with Meeting Procedure Local Law 2017 Clause 6.4 (4)(c) [Late Item M20/5779 – Amendments to CP-088: Creation, Access And Retention of Audio Recordings of Public Meetings of Council](#) as presented to the meeting that contained officer comment on the Motion with Notice and an Officer recommendation.

Motion

At 8:33pm Cr Kepert moved, seconded Cr Mair –

The Council approves the following amendments to be made to CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council and directs the CEO to adjust the policy accordingly:

1. Adding the following phrase to the Policy Statement “Any record held by the City of Melville is relevant to an Elected Member of the City of Melville.”
2. Removing “The Chief Executive Officer (CEO) reserves the right to withhold publication of all or part of the audio recording and will advise the Presiding Member of the reasons for this action. The Presiding Member will advise the Council if such action is decided and the reasons for this action.”
3. Removing “other than to Elected Members who were present at the meeting and for the item, and Administrative staff,”
4. Removing “Elected Members who are absent from the proceedings behind closed doors, either through absence or declaration of interest, may seek a resolution of the Council to access the audio recordings. An Access to Recording Form is to be completed and submitted to the CEO, who will arrange for the necessary item to be prepared for the next available Ordinary Meeting of Council, for Council to make a decision on the matter. If granted, the access will be under the supervision of a person as designated by the CEO. The information provided to Elected Members under this access is not to be shared with third-parties or used for secondary purposes.”
5. Removing “The record of any requests for copies of or access to audio recordings of Council meetings made available to Elected Members will be maintained in the City’s document management system.”

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

At 8:41pm during discussion and debate, the seconder consented to the word “record” in point 1 being replaced with “audio recordings”.

Motion

At 8:33pm Cr Kepert moved, seconded Cr Mair –

The Council approves the following amendments to be made to CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council and directs the CEO to adjust the policy accordingly:

- 1. Adding the following phrase to the Policy Statement “Any audio recordings held by the City of Melville is relevant to an Elected Member of the City of Melville.”**
- 2. Removing “The Chief Executive Officer (CEO) reserves the right to withhold publication of all or part of the audio recording and will advise the Presiding Member of the reasons for this action. The Presiding Member will advise the Council if such action is decided and the reasons for this action.”**
- 3. Removing “other than to Elected Members who were present at the meeting and for the item, and Administrative staff,”**
- 4. Removing “Elected Members who are absent from the proceedings behind closed doors, either through absence or declaration of interest, may seek a resolution of the Council to access the audio recordings. An Access to Recording Form is to be completed and submitted to the CEO, who will arrange for the necessary item to be prepared for the next available Ordinary Meeting of Council, for Council to make a decision on the matter. If granted, the access will be under the supervision of a person as designated by the CEO. The information provided to Elected Members under this access is not to be shared with third-parties or used for secondary purposes.”**
- 5. Removing “The record of any requests for copies of or access to audio recordings of Council meetings made available to Elected Members will be maintained in the City’s document management system.”**

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

Procedural Motion

COUNCIL RESOLUTION

At 8:57pm Cr Pazolli moved, seconded Cr Woodall –

That the motion be put.

At 8:58pm the Mayor declared the motion

CARRIED (8/2)

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

Vote Result Summary	
Yes	8
No	2

Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Macphail	Yes
Cr Robins	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Mair	No
Cr Sandford	No

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

COUNCIL RESOLUTION

At 8:33pm Cr Kepert moved, seconded Cr Mair –

The Council approves the following amendments to be made to CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council and directs the CEO to adjust the policy accordingly:

- 1. Adding the following phrase to the Policy Statement “Any audio recordings held by the City of Melville is relevant to an Elected Member of the City of Melville.”**
- 2. Removing “The Chief Executive Officer (CEO) reserves the right to withhold publication of all or part of the audio recording and will advise the Presiding Member of the reasons for this action. The Presiding Member will advise the Council if such action is decided and the reasons for this action.”**
- 3. Removing “other than to Elected Members who were present at the meeting and for the item, and Administrative staff,”**
- 4. Removing “Elected Members who are absent from the proceedings behind closed doors, either through absence or declaration of interest, may seek a resolution of the Council to access the audio recordings. An Access to Recording Form is to be completed and submitted to the CEO, who will arrange for the necessary item to be prepared for the next available Ordinary Meeting of Council, for Council to make a decision on the matter. If granted, the access will be under the supervision of a person as designated by the CEO. The information provided to Elected Members under this access is not to be shared with third-parties or used for secondary purposes.”**
- 5. Removing “The record of any requests for copies of or access to audio recordings of Council meetings made available to Elected Members will be maintained in the City’s document management system.”**

At 9:06pm the Mayor declared the motion

CARRIED (6/5)

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

Vote Result Summary	
Yes	5
No	5

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

17.2 Amendments to CP-088: Creation, Access and Retention of Audio Recordings of Public Meetings of the Council

At 9:00pm Mr Taylor left the meeting and returned at 9:02pm.

Reasons for the Motion as provided by Cr Keper

The amendments provide guidance on the creation, access and storage of audio recordings of Council meetings.

It is fundamental to the role of Elected Members in carrying out their duties to be able to access information, including records and documents, of the organisation they govern and oversee.

Elected Members' access to information, including access to documents created and held by the local governments they oversee and govern, is clearly set out in the *Local Government Act 1995*:

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

Any record held by a local government is relevant to an Elected Member who governs and oversees that organisation.

Any record held by the City of Melville is relevant to an Elected Member of the City of Melville.

Amendments were made to CP-088 at the Ordinary Meeting of Council 19th March 2019 (item M19/5670). The amendments to the council policy were sought and formulated by the City of Melville administration. The main amendments to this policy were:

1. To be able to cease audio recording via a Council resolution.
2. To be able to block Elected Members from accessing information, with the exception being through a Council resolution directing otherwise.

The first amendment is not covered by the *City of Melville Meeting Procedures Local Law 2017*. This second amendment essentially supersedes the provisions of the *Local Government Act 1995*.

Item M19/5670 was moved and carried en bloc at the direction of the previous Mayor. The item was carried without discussion or debate.

Prior to the Ordinary Meeting of Council, the Council was briefed on these proposed changes with claims of "verbal advice" justifying the proposed changes.

The amendments mean that Elected Members who were not present in a meeting will not be able to simply access the recordings at a later stage without first being granted permission via a Council motion. This represents a serious and unnecessary impediment to the Council's ability to govern.

15.2 REPORTS OF THE GOVERNANCE COMMITTEE

LATE ITEM M20/5779 – AMENDMENTS TO CP-088: CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF PUBLIC MEETINGS OF COUNCIL (REC) (ATTACHMENT)

LATE ITEM M20/5780 - CREATION OF NEW POLICY: ELECTED MEMBERS ACCESS TO INFORMATION (REC)

The Mayor advised that these matters had been dealt with a Motions With Notice at this meeting and these reports were withdrawn.

17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**17.3 Suspension of Commenting on City of Melville Facebook page**

Cr Keper provided an updated Motion with Notice – Suspension of Commenting on Commenting on City of Melville Facebook page which contained sensitive personal information. This matter was deferred to be dealt with behind closed doors, under section 5.23(2) of the Local Government Act.

18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**18.1 Upgrade of Cycle Lane Markings at Bus Stops**

Item brought forward.
See page 37.

18.2 Relocation of Southern Boundary Canning Bridge Activity Centre Plan

Item brought forward.
See page 136.

At 9:06pm Cr Kepert left the meeting and returned at 9:08pm

18.3 Motion Without Notice relating to Review of Options for Residential R40 Zones in LPS 6 (Draft Scheme Amendment).

COUNCIL RESOLUTION

At 9:06pm Cr Barton moved, seconded Cr Sandford –

That Cr Pazolli be permitted to present to the Council a Motion Without Notice relating to Review of Options for Residential R40 Zones in LPS 6 (Draft Scheme Amendment).

At 9:07pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (9/0)

Motion

At 9:07pm Cr Pazolli moved, seconded Cr Barton –

That the Council requests the Chief Executive Officer:

- 1. Prepare a report to Council on the options available to Council to ensure the exercise of discretion regarding development applications in current Residential R40 zonings of Local Planning Scheme Nos 6 is constrained to the plot ratio, setback and maximum height requirements specified in Table 4 of State Planning Policy 3.1 Residential Design Codes.**
- 2. If required, prepare for the decision of Council a draft Scheme Amendment to Local Planning Scheme Nos 6, for appropriate areas of the City of Melville, reducing Residential R40 zonings to Residential R35 or R30.**
- 3. By December 1, 2020, present the draft report and Scheme Amendment to a Council Workshop or Elected Member Information Session for discussion by Council.**

At 9:12pm during discussion and debate, the seconder consented to deleting the words “By December 1, 2020” in point 3 and replacing them with “At the earliest opportunity,”.

At 9:13pm Cr Wheatland entered the meeting.

At 9:18pm Ms Reid entered the meeting.

At 9:18pm Mr Tieleman left the meeting and returned at 9:19pm.

18.3 Motion Without Notice relating to Review of Options for Residential R40 Zones in LPS 6 (Draft Scheme Amendment).

COUNCIL RESOLUTION

At 9:07pm Cr Pazolli moved, seconded Cr Barton –

That the Council requests the Chief Executive Officer:

- 1. Prepare a report to Council on the options available to Council to ensure the exercise of discretion regarding development applications in current Residential R40 zonings of Local Planning Scheme Nos 6 is constrained to the plot ratio, setback and maximum height requirements specified in Table 4 of State Planning Policy 3.1 Residential Design Codes.**
- 2. If required, prepare for the decision of Council a draft Scheme Amendment to Local Planning Scheme Nos 6, for appropriate areas of the City of Melville, reducing Residential R40 zonings to Residential R35 or R30.**
- 3. At the earliest opportunity, present the draft report and Scheme Amendment to a Council Workshop or Elected Member Information Session for discussion by Council.**

At 9:24pm the Mayor declared the motion

CARRIED (10/1)

Vote Result Summary	
Yes	10
No	1

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

Reasons for the Motion as provided by Cr Pazolli

1. There has been considerable concern by Applecross residents and the City of Melville community in general at the level of multi-unit apartment density being proposed in development applications for developments in Residential R40 areas adjacent to the Centre C4 area of Applecross Village. These concerns apply to areas zoned as only residential, rather than to the mixed-use (residential & commercial) zone areas in the centre of the Applecross Village.

18.3 Motion Without Notice relating to Review of Options for Residential R40 Zones in LPS 6 (Draft Scheme Amendment).

2. The Mayor has indicated to concerned Applecross residents that the Council will examine options and implement measures to ensure that the level of development density in these Residential R40 zones are consistent with community expectations and the built form of surrounding residential properties.
3. This motion seeks to commence the process for the planning officers to report to Council on options and, if required, prepare scheme amendments to change LPS6 to address the concerns of the residents of Applecross and any other areas of the City that are subject to the Residential R40 zoning (excluding properties that are within an Activity Centre Plan area).

19. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 9:22pm Cr Wheatland left the meeting and returned at 9:25pm.

Cr Clive Robartson submitted a Declaration of Interest for this Item at the commencement of the meeting, but was an apology for the adjourned meeting.

**CONFIDENTIAL ITEM M20/3850 - GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)****COUNCIL RESOLUTION**

At 9:24pm Cr Keperter moved, seconded Cr Barton –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2) of the Local Government Act 1995, to be discussed behind closed doors.

At 9:24pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 9:24pm Ms Reid, Manager Cultural Services entered the Chambers for the purpose of making an officer presentation in relation to Confidential Item M20/3850 - Ground Lease Agreement For Melville, Aged And Community Activity Centre [M20 3850 Ground Lease Agreement Officer Presentation](#) The presentation concluded at 9:50pm.

**ADDENDUM CONFIDENTIAL ITEM M20/3850 - GROUND LEASE AGREEMENT FOR
MELVILLE, AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL
ATTACHMENT)**

This item was withdrawn from the 16 June Ordinary Meeting of Council to allow further consideration and comment from Elected Members at an Elected Member Information Session (EMIS). An EMIS was to be held in June 2020 however, this was deferred until the EMIS to be held 25 August 2020. The EMIS scheduled for the 25 August 2020 was not held at the request of the Mayor. The Item will now be discussed at a Special EMIS to be held prior to the Agenda Briefing Forum on Tuesday 1 September 2020.

Since the 16 June 2020 meeting when the Item was withdrawn, additional information has been provided to Elected Members and these actions have been advised in the updated report below.

**CONFIDENTIAL ITEM M20/3850 - GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

Ward	: Bicton/Attadale
Category	: Strategic
Subject Index	: Commercial
Customer Index	: Hall & Prior
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Confidential Item P18/3791 - Ground Lease Redevelopment Proposal 391 Canning Hwy and 36-38A Waddell Road, Palmyra – Special Meeting of Council held 10 October 2018 Confidential Item P18/3794 – Submissions Report Ground Lease Redevelopment Proposal 391 Canning Hwy and 36-38A Waddell Road, Palmyra – Special Meeting of Council held 18 December 2018 M20/385 Ground Lease Agreement Melville Aged and Community Care (WA) P/L 391 Canning Highway, Palmyra (Melville District Activity Centre) – Council Meeting held 16 June 2020 - Item withdrawn from Agenda.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeremy Rae – Strategic Property Executive Louis Hitchcock – Executive Manager Governance & Legal Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Special Meeting of Council on 18 December 2018, Council resolved to authorise the Chief Executive Officer to proceed with the drafting and negotiation of a ground lease agreement with Melville, Aged and Community (WA) Pty Ltd and to bring the ground lease agreement back to Council for final approval to sign and execute.
- The purpose of this Report is to present the final ground lease agreement to Councillors for approval by way of an absolute majority decision and authorise the Chief Executive Officer and the Mayor to sign and execute the lease agreement.

BACKGROUND

At the 10 October 2018 Special Meeting the Council resolved:

That the Council approves the advertising of the Business Plan for Major Land Transaction and Public Notice of Major Land Transaction for the proposed ground lease with Melville Health, Aged and Community Care (WA) Pty Ltd as per the requirements under Section 3.59 of the Local Government Act 1995 and that this recommendation be made public upon resolution by the Council.

At the December 2018 Special Meeting of the Council, the Council resolved (3794) to approve the proposal after considering public submissions received and authorising the City's CEO to proceed with preparing the ground lease agreement with Melville Health, Aged and Community Care (WA) Pty Ltd for adoption by Council. The resolution was:

That the Council:

- 1. Notes the submissions received as detailed in this report; and*
- 2. Authorises the City of Melville's Chief Executive Officer to proceed with the preparation of the Ground Lease Agreement with Melville Health, Aged and Community Care (WA) Pty Ltd and present it to the Council at Elected Member Information Session for discussion and subsequent adoption for signing at a Council meeting.*

DETAILS

In 2016 the Council endorsed the Melville District Activity Centre Plan. The Plan's desired outcome is to create a vibrant, mixed use centre that is a great place to live, work, run a business, socialise, recreate and have fun. The proponent's proposal meets the planning and design objectives and height limits of the Melville District Activity Centre Plan, while providing social activation and meeting the medium to long term needs of the City's ageing population. The Melville local government area has been identified by the Commonwealth Department of Health as a "Category 2 - High Need" area for aged care services.

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

Melville Health, Aged and Community (WA) Pty Ltd proposal will include significant benefits to the City including:-

1. A new world class ageing facility with acute care, dementia and complex care, community care, mental health management, young and disabled and health services for Melville residents;
2. Certain existing site uses / services are proposed to be retained on site, including meals on wheels, podiatry / allied health and senior citizens facilities;
3. A financial outcome for the City from a long-term ground lease with the ability to recoup rates annually;
4. Long-term employment opportunities and economic stimulation (demand for local goods & services);
5. Melville Health, Aged and Community Activity Centre will advance the City's Age Friendly City outcomes and aspirations; and
6. Proposal meets and furthers planning outcomes for the site and new Melville District Activity Centre Plan.

The agreements have been drafted by way of an "Agreement for Lease" which contains the Conditions Precedent and Sunset Date. Once the Lessee has satisfied the conditions before the Sunset Date, the Ground Lease Agreement commences automatically. The Ground Lease Agreement will be registered at Landgate and will be a searchable document by the public if they wish.

The City appointed its solicitors McLeod's to prepare the agreements. The agreements have been prepared in conjunction with input from Hall & Prior's solicitors Jackson McDonald but remain the City's agreements. The draft final agreements were provided to Elected Members through the City's Elected Member Bulletin on 22 May 2020 together with a worksheet for each Member to complete with any queries or suggested amendments that could be responded to at the Agenda Briefing Forum held on 2 June 2020.

The Agreements have been drafted by reference to the Risk Assessment Report from PWC which was presented to Council in December 2018. This dealt with suggested risk mitigation measures that could be implemented through the agreements and have been addressed after the input and advice from the City's solicitor when preparing the documents. The City's interest as Lessor is well protected in the agreements and its legal interest and control in the land is secured.

After the Item was withdrawn from the June 2020 Agenda Briefing Forum, Elected Members were provided with additional background information in the EMB on 10 July 2020, consisting of copies of the Detailed Business Case, Statutory Business Plan advertised (Section 3.59 LGA), Council Minutes approving the proposal and consultants reports including (PricewaterhouseCoopers Risk Assessment Report, Dunn & Brad Street Risk Report on the proponent, Economic Impact Assessment Report and Valuation Report).

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

These reports were provided confidentially and to give new Councillors an overview of the work undertaken to inform the previous decision by the Council to approve the proposal following an extensive public request for proposal (RFP) process.

Cr Sanford and Cr Woodall provided comment in respect to possible amendments to the Draft Agreement for Lease and Ground Lease. Officers circulated comments by the Elected Members, and responses thereto, on the lease enquiries to all Elected Members by email on 26 August 2020 and will further present on the proposed lease at the Special Elected Members Information Session, approved to be held Tuesday 1 September 2020, prior to the ABF on the same night.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not Applicable

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The Confidential Attachments to this report are:-

1. "Agreement for Lease Melville Health, Aged And Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra" and
2. "Ground Lease for Melville Health, Aged and Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra"

In this item of business are being dealt with in confidential business in accordance with the following provisions Section 5.23 and Section 5.41 of the *Local Government Act 1995*. If a meeting is being held by Council or by a committee referred to in subsection (1)(b), the council or committee may choose to close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:-

- (a) A contract entered into, or which maybe entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (b) A matter that if disclosed, would reveal information that has a commercial value to a person.

FINANCIAL IMPLICATIONS

Provision was budgeted for the City's legal costs associated with the drafting and advice provided by McLeod's in relation to the preparation of the Agreement for Lease (AFL) and Lease Agreement. To date those costs invoiced by McLeod's total \$16,105 Ex GST and the total amount is expected not to exceed \$20,000 Ex GST.

Apart from Officer's time spent negotiating and liaising with its solicitors in the drafting of the agreements, the above costs represent the only costs incurred by the City.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**City of Melville's Strategic Objectives**

The City's Corporate Business Plan 2016-2020 provides the following Priorities relevant to this proposal.

Priority 1: Restricted current revenue base and increasing/changing service demands impacts on rates.

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

Key Strategies to address this:

1. Explore opportunities for increased residential density and commercial investment in strategic locations, aligned to the local planning objectives and coupled with the exploration of special area rating.
2. Creating greater revenue from our current and potential land, property and facility holdings
3. Pursue productivity and efficiency improvements

Priority 2: Meeting the demand to provide fit for use/appropriate infrastructure into the future.

Key Strategies to address this:-

1. Optimise facilities to achieve “fit for use” facilities for current and future beneficiaries. Includes amalgamation of like groups into hubs and shared use of facilities.
2. Review the standards and management model that we assess our asset gap against.
3. Ensure sufficient funding is available to replace assets at their end of life.

Priority 3: Urban development creates changes in amenity (positive and negative) which are not well understood.

Key Strategies to address this:-

1. Facilitating higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensuring 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 areas.

Further, the City's Strategic Community Plan, *People Places Participation 2016-2026* aims to facilitate the following aspirations:-

- Clean and Green
- Sustainable and Connected Transport
- Growth and Prosperity
- Sense of Community
- Healthy Lifestyles
- Safe and Secure

The opportunity for the Facility to further the City's Strategic Community Plan objectives and strategies are noted.

Independent Risk Assessment

The City engaged the services of PricewaterhouseCoopers (PwC) to undertake an independent risk assessment study of the proposal on behalf of the City and advise the City of potential risks and measures to mitigate those risks. The report was issued on 24 July 2018 and identified and ranked the risks associated with the proposal, the proponent and recommended mitigation strategies for the City to employ. None of the risks identified were considered to be so severe that they would prevent the City from being able to mitigate those risks. No fatal flaws were identified from the risk assessment.

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Council Policy CP-005 Land and Property Retention, Disposal and Acquisition, relates to the acquisition and disposal of land and property owned by the City. This Policy will apply to the subject property after the advertising phase of the Statutory Business Plan; and upon recommendations to the Council and approval of the proposal.

Other Local Planning Policies that may need to be referred to if the Proposal is to proceed include (but not limited to) the following:-

- Architectural and Urban Design Advisory Panel – LPP 1.2
- Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Developments – LPP 1.3
- Provision of Public Art in Development Proposals – LPP 1.4
- Energy Efficiency in Building Design – LPP 1.5
- Car Parking and Access – LPP 1.6
- Crime Prevention Through Environmental Design of Buildings – LPP 1.8
- Amenity Policy – LPP 1.10
- Canning Highway Precinct Design Guidelines - LPP 1.11
- Non-Residential Development – LPP 2.1
- Outdoor Advertising and Signage – LPP 2.2

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

An alternative option for the Council is to alter the lease which if not suitable to the proponent then the lease may not be agreed and the project may not proceed.

The Council could resolve not to sign and execute the lease and the Council would forgo significant long term income streams as an alternative to rate income in the tens of millions of dollars.

CONCLUSION

The City's solicitors have drafted the ground lease agreement in such a way as to provide certainty to the City around its rights and obligations and that of the Lessee under the lease agreement. In particular, the lease includes Conditions Precedent which places the onus on the Lessee to satisfy all conditions precedent by the Sunset Date. It is recommended that Council approves the Final Draft Ground Lease Agreement and Agreement for Lease with Melville Health, Aged and Community Care (WA) Pty Ltd

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION (3850)****APPROVAL**

That the Council:

1. Directs the Chief Executive Officer to sign and execute the ground lease agreement and agreement for lease for 391 Canning Highway And 36-38a Waddell Road, Palmyra with Melville Health, Aged and Community Care (WA) Pty Ltd.
2. Further directs that the confidential report and lease, being the *Ground Lease for Melville Health, Aged and Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra* be made public upon the lease becoming unconditional.

Confidential Attachments

1. Agreement for Lease Melville Health, Aged And Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra
2. Ground Lease for Melville Health, Aged and Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra

Reject and Replace Motion

At 9:24pm Cr Barton moved, seconded Cr Sandford—

The Council rejects the Officers' Recommendation and replaces it with:

That the Council defers the implementation of the Officers' Recommendation until

- (a) the Council is presented with a report detailing the suitable alternative venues for both the Melville Theatre Company and the regular and year-round users of the Main Hall, including the dance groups, and
- (b) Elected Members have had the opportunity of accepting the final amended agreements prior to authorising their signing by the Chief Executive Officer.

At 9:59pm the Mayor declared the motion

LOST (2/9)

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

Vote Result Summary	
Yes	2
No	9

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

OFFICER RECOMMENDATION (3850)

APPROVAL

At 9:59pm Cr Macphail moved, seconded Cr Robins –

That the Council:

- 1. Directs the Chief Executive Officer to sign and execute the ground lease agreement and agreement for lease for 391 Canning Highway And 36-38a Waddell Road, Palmyra with Melville Health, Aged and Community Care (WA) Pty Ltd.**
- 2. Further directs that the confidential report and lease, being the *Ground Lease for Melville Health, Aged and Community Activity Centre: 391 Canning Highway And 36-38a Waddell Road, Palmyra* be made public upon the lease becoming unconditional.**

At 10:04pm the Mayor declared the motion

CARRIED UNANIMOUSLY (8/3)

**CONFIDENTIAL ITEM M20/3850- GROUND LEASE AGREEMENT FOR MELVILLE,
AGED AND COMMUNITY ACTIVITY CENTRE (REC) (CONFIDENTIAL ATTACHMENT)**

Vote Result Summary	
Yes	8
No	3

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

Confidential Attachments

- 1. Agreement for Lease Melville Health, Aged And Community Activity Centre:
391 Canning Highway And 36-38a Waddell Road, Palmyra**
- 2. Ground Lease for Melville Health, Aged and Community Activity Centre: 391
Canning Highway And 36-38a Waddell Road, Palmyra**

At 10:04pm Mr Reid left the meeting and did not return.

17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Officers provided an Advice Note on this matter Advice Note [CD20 8135](#)

17.3 Suspension of Commenting on City of Melville Facebook page

During the discussion and debate on this matter, at the request of Elected Members the Mayor consented to voting on points 1 and 2 of the motion separately.

Motion

COUNCIL RESOLUTION

At 10:05pm Cr Kepert moved, seconded Cr Pazolli –

The Council directs the CEO to:

- 1. delete the record containing the intimate image of the naked female held by the City as soon as legally permissible.**

At 10:25pm the Mayor declared the motion

CARRIED UNANIMOUSLY (9/0)

Motion

At 10:05pm Cr Kepert moved, seconded Cr Pazolli –

- 2. disable the comments feature on the City of Melville's Facebook page until further notice.**

At 10:30pm the Mayor declared the motion

LOST (3/6)

Vote Result Summary	
Yes	3
No	6

Cr Kepert	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Cr Barber	No
Cr Barton	No
Cr Mair	No
Cr Macphail	No
Cr Woodall	No
Mayor Gear	No

At 10:06pm Cr Wheatland disconnected electronically from the meeting and did not return.
At 10:09pm Cr Barton left the meeting and returned at 10:11pm.
At 10:16pm Cr Robins left the meeting and did not return.

17.1 Suspension of Commenting on City of Melville Facebook page**Reasons for the Motion as provided by Cr Kepert**

On or about 23rd of August 2020 an intimate image of a naked female was posted to the City of Melville's Facebook page. The image was apparently still visible circa 25th of August, after which the administration took a screenshot of the image and has retained that image as a document.

The action of posting the image to the Facebook page amounts to image-based sexual abuse. The intimate image is inappropriate material that does not relate to the City's business activities and thus does not need to be retained by the City.

The document containing the image remains accessible by City employees. Written advice received from the State Records Office confirmed that the image does not need to be retained by the City and can be deleted.

The incident demonstrates the City's inability to prevent such damaging comments and images being posted at any hour of the day on any day of the week, particularly by fake profiles. Advice to Council following the incident stated that the page can only be monitored during office hours, which demonstrates a risk to the City.

The City's Facebook page has long experienced trolling behaviours with no signs of abatement. These actions represent a risk to users of these pages, to the broader community and to the City.

The problem stems from the politically motivated trolling of the community which began just prior to the 2017 Local Government Elections with purpose-built "community chat" pages. Politically-motivated trolling has led to several legal actions between citizens, and the City is not immune.

COUNCIL RESOLUTION

At 10:32pm Cr Kepert moved, seconded Cr Macphail –

That the meeting comes out from behind closed doors.

At 10:32pm the Mayor declared the motion

CARRIED UNANIMOUSLY (9/0)

At 10:32pm the Meeting was reopened to the public and the Mayor advised that in relation to:

- Confidential Item M20/3850- Ground Lease Agreement For Melville, Aged And Community Activity Centre (Rec) (Confidential Attachment) – the officer recommendation was adopted.
- 17.1 Suspension of Commenting on City of Melville Facebook page – part one of the Motion was adopted and part two was lost.

20. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 10:32pm.