

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL
HELD 6.30PM TUESDAY, 16 February 2021

**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*.

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:31pm and advised those present of the Disclaimer, the Purpose of the Agenda Briefing Forum and the 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 had submitted a request for a leave of absence that included this meeting and needed to be considered before the business of the meeting.

COUNCIL RESOLUTION

At 6:33pm Cr Robartson moved, seconded Cr Barton –

That the application for a new leave of absence submitted by Cr Woodall on 16 February 2021 be granted.

At 6:33pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr J Barton (Deputy Mayor)
Cr G Barber
Cr D Macphail
Cr C Robartson
Cr S Kepert, Cr N Pazolli
Cr K Mair, Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland
Cr N Robins (8:39pm - 8:57pm)

WARD

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

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Ms C Young	Director Community Development (<i>electronic attendance</i>)
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr J Rae (<i>until 8:16pm</i>)	Strategic Land and Property Executive
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms T Wright	Governance Officer

At the commencement of the meeting, there were 6 members of the public in the Council Chambers and 11 members of the public and 1 representative from the Press in attendance electronically.

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

Cr Robins Bateman – Kardinya – Murdoch
(*attendance 8:39pm - 8:57pm*)

4.2 APPROVED LEAVE OF ABSENCE

Cr M Woodall Bull Creek - Leeming

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

Nil.

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

Nil.

6. QUESTION TIME**6.1 Questions Received with Notice from Graham Sauvage of Alchera Living (WA) Inc., together with Tony Paduano of Element**Question 1

Alchera Living (WA) Inc. is a not-for-profit organisation originally established by the Melville Council to provide affordable housing in the City for aged persons. Alchera is committed to the ongoing provision of homes, and the security of access will enable the comprehensive redevelopment of its aging housing stock with best-practice urban design responses. Alchera is also willing to enhance the current interface with Winnacott Reserve through public artwork. If this Motion is passed, what kind of consultation would Council like to see between Alchera and the community?

Response

Alchera Living does not require a motion from Council to proceed with community consultation in relation to its proposed acquisition of the portion of the Winnacott Recreation Reserve being the temporary access easement granted by the City of Melville during recent construction of apartments by Alchera. It is free to conduct public engagement at the time of its own choosing at its cost.

Should Council direct the City to undertake public community consultation, then it will be conducted in accordance with the City's existing community engagement strategy and process.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 8 DECEMBER 2020**
Minutes 8 December 2020**COUNCIL RESOLUTION**

At 6:36pm Cr Barton moved, seconded Cr Barber–

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 8 and Wednesday 9 December 2020 be confirmed as a true and accurate record.

At 6:36pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 9 FEBRUARY 2021**COUNCIL RESOLUTION**

At 6:36pm Cr Kepert moved, seconded Cr Wheatland –

That the Notes of Agenda Briefing Forum held on Tuesday, 9 February 2021, be received.

At 6:36pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

8.3 GOVERNANCE COMMITTEE – 8 FEBRUARY 2021**COUNCIL RESOLUTION**

At 6:36pm Cr Robartson moved, seconded Cr Barton –

That the Minutes of the Governance Committee Meeting held on Monday, 8 February 2021 be noted.

NB:

Minutes to be confirmed at next Governance Committee Meeting

At 6:36 pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Cr Mair – Item P21/3896 LPP – 1.20 CBACP Density and Bonus Provisions – Report on Results. Financial Interest.
- Mr Marten Tieleman – Late Item M21/5812 - Chief Executive Officer Performance Review. Financial Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Pazolli – Item P21/3897 Submissions Report Melville City Centre Land Exchange. Interest Under the Code of Conduct.
- Cr Kepert – Item T21/3900 Mount Pleasant Bowling Club Improvements and Refurbishment. Interest Under the Code of Conduct.
- Cr Barton – Item T21/3900 Mount Pleasant Bowling Club Improvements and Refurbishment. Interest Under the Code of Conduct.
- Cr Barber – Item T21/3900 Mount Pleasant Bowling Club Improvements and Refurbishment. Interest Under the Code of Conduct.
- Cr Barton – Item P21/3896 LPP – 1.20 CBACP Density and Bonus Provisions – Report on Results. Interest Under the Code of Conduct.
- Cr Robartson – Item P21/3893 Naming of Unnamed Road, Bull Creek and Renaming of Section of Farrington Road, Kardinya Interest Under the Code of Conduct.

10. DEPUTATIONS

10.1 Ms E Metlitzky and Mr J Ahuja of Applecross

Item P21/3906 – Child Care Premises Lot 1 No 2C Matheson Road, Applecross

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Item M21/5812 – Chief Executive Officer Performance Review (Confidential Attachments)

13. PETITIONS**13.1 Petition – Against Development at 2C Matheson Road, Applecross**

A petition signed by 14 residents of the City of Melville was received on 19 January 2021 a further 48 signatures were received on 28 January 2021, and reads as follows:

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

- 1. Urgently refer the Development Application for the proposed Child Care Centre at 2C Matheson Road, Applecross (DAP-2020-8) to Main Roads Western Australia for transport related comments and seek an extension of time from JDAP for submission of the City’s RAR.***

Reason: In accordance with the Instrument of Delegation published in the Government Gazette 30 May 2017, the Western Australian Planning Commission delegated some of its development control powers to the City of Melville which require the City to obtain Main Roads comments before determining whether an application may or may not be supported in the RAR.

*The subject site abuts Canning Highway and will result in potentially **298** additional vehicles using Canning Highway in both morning and afternoon peak hours. The count of vehicles per day past the subject site are: Canning Highway (2018/19) **41,147 vpd**; Matheson Road (2019) **1660 vpd**; and Cunningham Street (2017) **568 vpd**. Because of the high existing vehicle usage past three sides and the ongoing development of the Riseley Street Precinct and the Canning Bridge Precinct it is vitally important that the impact of this development is closely assessed by the City and MRWA and that information is conveyed to the JDAP in the RAR.*

- 2. Recommend in the City’s RAR that the application be rejected by the JDAP on the grounds that the proposed development is a “noise sensitive use” that requires a minimum 300 metre buffer between the noise source and the development and the proposed site breaches this minimum requirement.***

Reason: In this case, development is proposed on a site that is surrounded and immediately abutting, on three sides, the sources of traffic and exhaust noise, exhaust fumes and tyre and brake dust from heavy traffic including buses and bus stops. The recommended noise barriers from the developers own consultant, include restrictions on usage of areas during peak travel hours, walls around open air areas of a minimum 1.8m high and no hand clapping or music for the children in the open air areas.

The list of remedial recommendations required to make this appear compliant evidences that this site is not suitable for the proposed usage and that commercial gain is being put before the children’s well-being and health. The City must act to protect the children who are unable to protect themselves.”

13.1 Petition – Against Development at 2C Matheson Road, Applecross cont.**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:40pm Cr Kepert moved, seconded Cr Mair–

That the petition bearing 62 signatures of residents be acknowledged and be dealt with by the Council in conjunction with the late item on this agenda.

At 6:41pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

13.2 Petition – Opposing Construction at 2C Matheson Road, Applecross

A petition signed by 85 residents of the City of Melville and 1 non-resident was received on 25 January 2021 and reads as follows:

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

We strongly oppose the construction of the proposed 2028-8 Child Care Premises at 2C Matheson Road, Applecross for the following reasons: Increase of Traffic: Melville Council is introducing traffic calming ramps for all of Matheson Road, to reduce traffic flow, this development would greatly increase traffic. Location and Safety: The proposed building is on a very busy and dangerous intersection of 3 roads and we have major concerns this will be dangerous and cause safety issues. Parking: 14 Tandem Parking Bays (7 front for 15 staff members) and (7 rear bays for 67 children) will create congestion at peak hours with very poor drop off and pick up facilitation thus encouraging street parking, again causing traffic and safety issues. Noise, the proposed external Playground No 2 on the second level is open to many residential homes. This will cause noise issues for those living in the vicinity. Introducing a commercial activity into a residential area is unacceptable and will significantly impact local residents.

We request that the city of Melville oppose the proposed Child Care Centre for the issues outline above.”

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 6:41pm Cr Kepert moved, seconded Cr Mair –

That the petition bearing 85 signatures of residents and 1 non-resident be acknowledged and be dealt with by the Council in conjunction with the late item on this agenda.

At 6:41pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 6:42pm the Mayor brought forward Item P21/3906 – Child Care Premises – Lot 1 (No 2C) Matheson Road, Applecross, for the convenience of the public gallery.

At 6:42pm Ms Metlitzky and Mr Ahuja entered the Chambers for the purpose of making a deputation in relation to Item P21/3906 – Child Care Premises – Lot 1 (No 2C) Matheson Road, Applecross [3906 Deputation ARAG Presentation](#) The presentation concluded at 6:55pm.

At 6:55pm Ms Metlitzky and Mr Ahuja departed the Council Chambers.

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward	: Bicton - Attadale - Alfred Cove
Category	: Operational
Application Number	: DAP-2020-8
Property	: Lot 1 (No.2C) Matheson Road, Applecross
Proposal	: Child Care Premises
Applicant	: Alan Stewart - Stewart Urban Planning Pty Ltd
Owner	: Love Investment WA Pty Ltd, Atkinson Investment WA Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil.
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Approval is sought for A Child Care Premises at Lot 1 (No.2C) Matheson Road, Applecross. The cost of the development is \$2,200,000 and therefore, the applicant has elected to have the development application determined by the JDAP.
- The subject site is zoned 'Residential' with a density coding of R40 under the provisions of Local Planning Scheme No.6 (LPS6). State Planning Policy 7.3 – Residential Design Codes Volume 1 and a number of local planning policies, provide the key development controls for this site.
- The property shares a boundary with another dwelling to the northeast, with other residential properties located to the northwest and southeast. Wireless Hill Park is located to the southwest to the opposite side of the Highway.
- The subject site abuts Canning Highway which is designated as a Primary Regional Road Category 2. Canning Highway is a high frequency bus transport route.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 17 January 2021.
- The proposal was the subject of public consultation in accordance with LPP 1.1: *Planning Process and Decision Making*.
- A total of 35 individual submissions were received during the advertising period – all comments objecting to the proposal. Two separate petitions were received with a total of 121 unique signatures signed by residents against the proposal.
- The recommendation of the RAR is that the JDAP refuse the proposal given the development does not meet the requirements of Clause 3.1 and 8.0 of the City of Melville's *Local Planning Policy 1.12 Child Minding Centres and Family Day Care*, being within an unsuitable location.
- The matter is called up to a meeting of the Council in accordance with the provisions of Part 18 of Local Planning Policy LPP 1.1 Planning Process and Decision Making.
- A copy of the resolution of the February Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.



Figure 1: Aerial Image of the subject site

**P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD,
APPLECROSS (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R40
Use Type	: Child Care Premises
Use Class	: 'A' Use

Site Details

Lot Area	: 1017.00m ²
Street Tree(s)	: Yes
Street Furniture (drainage pits etc.)	: Yes
Site Details	: See aerial photo above

DETAIL

Development approval is sought from the Metro Inner-South JDAP for a two storey child care premises.

Refer to the attached RAR for details of the development proposed by this application.

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

[3906 RAR Child Care Centre Lot 1 \(No. 2C\) Matheson Road Applecross](#)

STATUTORY AND LEGAL IMPLICATIONS

The applicant has elected to have this development application determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

**P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD,
APPLECROSS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to refuse the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Special Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION (3906)**REFUSAL**

At 6:55pm Cr Sandford moved, seconded Cr Mair –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to refuse the application for the proposed two storey child care premises on Lot 1 (No. 2C) Matheson Road, Applecross.

**P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD,
APPLECROSS (REC) (ATTACHMENT)****Amendment****COUNCIL RESOLUTION**

At 6:58pm Cr Pazolli moved, seconded Cr Kepert –

That the officer recommendation be amended to include the following words at the end:

That the Council advises that the correct interpretation of Clause “3.1(e) of Local Planning Policy LPP1.12 “Child Care Premises and Family Day Care” which states the

- “3.1 Preferred site characteristics ...
e) Located on either Local Distributor and District Distributor Roads”**

means that Child Care Premises within a Residential Zone should be located on either a Local or District Distributor Road.

Canning Highway is not a preferred location for the siting of a Child Care Premises as it is a Primary Regional Road.

At 7:12pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Amendment**COUNCIL RESOLUTION**

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

That the officer recommendation be amended to include:

- 2. finds that the Development Application does not comply with the following Council Policies:**
 - LPP1.12 – Child Care Premise and Family Day Care:**
 - Section 3.1(d) – Parking;**
 - Section 7.1 – Car parking in accordance with LPP1.6 – Car Parking and Access (Non Residential); and**
 - Section 7.2 – Parking Vehicles to enter and exit in a forward gear.**
 - LPP1.6 – Car Parking and Access**
 - Section 2.2 – Drop off and Pick up area to the satisfaction of the Council**
- 3. Rejects the notion of “tandem” car parking spaces.**

At 7:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPLECROSS (REC) (ATTACHMENT)**Substantive Motion as Amended****COUNCIL RESOLUTION (3906)****REFUSAL**

At 6:55pm Cr Sandford moved, seconded Cr Mair –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to refuse the application for the proposed two storey child care premises on Lot 1 (No. 2C) Matheson Road, Applecross, and the Council:

1. advises that the correct interpretation of Clause “3.1(e) of Local Planning Policy LPP1.12 “Child Care Premises and Family Day Care” which states the

“3.1 Preferred site characteristics ...

- e) Located on either Local Distributor and District Distributor Roads”

means that Child Care Premises within a Residential zone should be located on either a Local or District Distributor Road.

Canning Highway is not a preferred location for the siting of a Child Care Premises as it is a Primary Regional Road

2. finds that the Development Application does not comply with the following Council Policies:
 - LPP1.12 – Child Care Premise and Family Day Care:
 - Section 3.1(d) – Parking;
 - Section 7.1 – Car parking in accordance with LPP1.6 – Car Parking and Access (Non Residential); and
 - Section 7.2 – Parking Vehicles to enter and exit in a forward gear.
 - LPP1.6 – Car Parking and Access
 - Section 2.2 – Drop off and Pick up area to the satisfaction of the Council
3. rejects the notion of “tandem” car parking spaces.

At 7:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

ATTACHMENTS

[1. 3906 PLANNING REPORT \(NOVEMBER 2020\)](#)

[2. 3906 ADDITIONAL PLANNING COMMENTS \(JANUARY 2021\)](#)

[3. 3906 DEVELOPMENT PLANS \(JANUARY 2021\)](#)

[4. 3906 TRAFFIC IMPACT STATEMENT \(JANUARY 2021\)](#)

[5. 3906 OPERATIONAL MANAGEMENT PLAN \(JANUARY 2021\)](#)

[6. 3906 ENVIRONMENTAL ACOUSTICS ASSESSMENT \(JANUARY 2021\)](#)

[7. 3906 LANDSCAPE PLAN \(NOVEMBER 2020\)](#)

[8. 3906 WASTE MANAGEMENT PLAN \(NOVEMBER 2020\)](#)

[9. 3906 MAIN ROADS WESTERN AUSTRAL REFERRAL RESPONSE \(DECEMBER 2020\)](#)

Disclosures of Interest

Member	Cr Robartson
Type of Interest	Interest under the code
Nature of Interest	Name up un-named street Bullcreek
Request	Leave
Decision	Leave

At 7:22pm having declared an interest Cr Robartson left the meeting.

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)

Ward	: Bateman – Kardinya - Murdoch Bull Creek – Leeming
Category	: Strategic
Application Number	: DA-2019-1082
Property	: 12 Benningfield Road, Bull Creek Farrington Road, Kardinya
Proposal	: Naming of unnamed road, Bull Creek Renaming of a section of Farrington Road, Kardinya
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: N/A
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

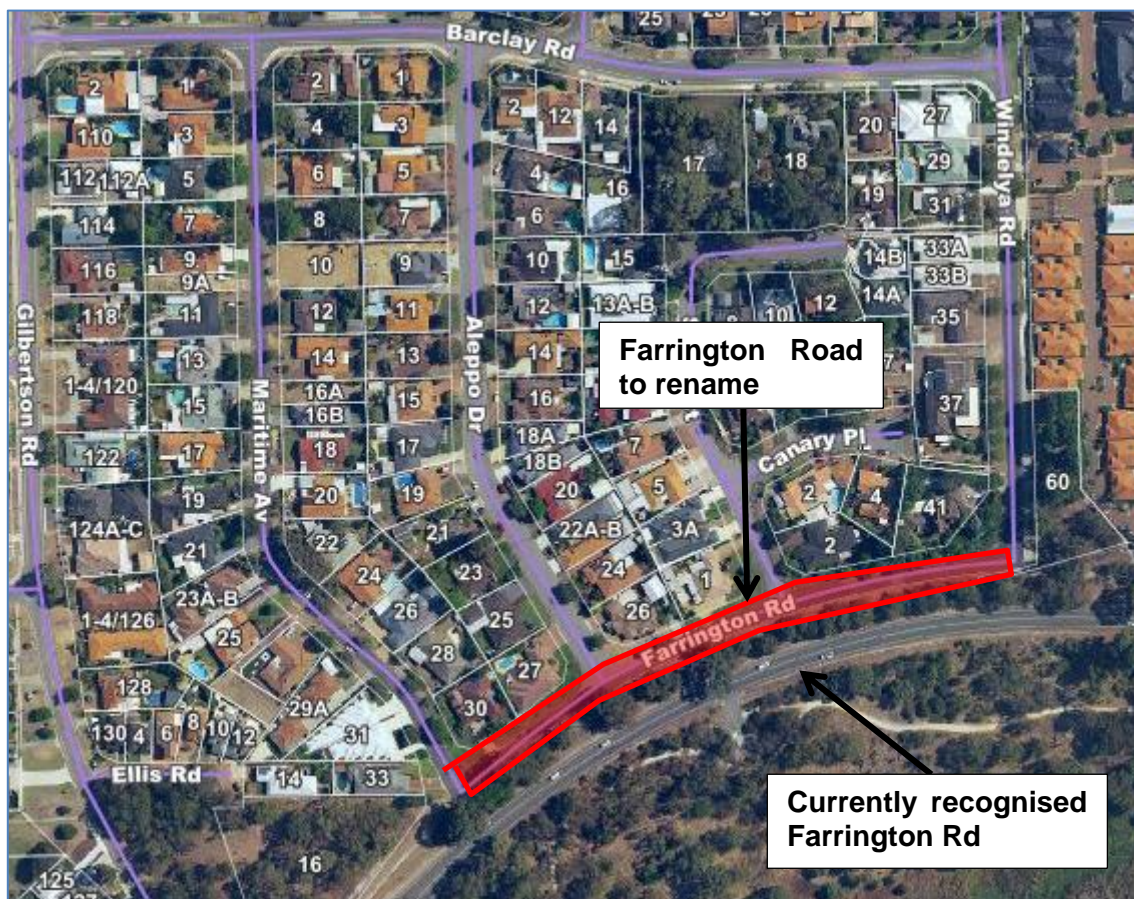
DEFINITION

<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 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>

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)

KEY ISSUES / SUMMARY

- Recent proposals to subdivide existing lots in Kardinya and Bull Creek have triggered a need to consider the naming of road carriageways.
- The first property, 2 Stone Court, Kardinya is subject of a subdivision proposal that would ultimately create a new lot with frontage to a section of road named Farrington Road. The portion of road however does not function or appear as part of the actual Farrington Road. Renaming of this portion of carriageway is recommended to avoid confusion.
- The second property, 9 Dirk Hartog Road, Bull Creek has been subdivided to create a new lot fronting an unnamed road reserve (running through Bob Gordon Reserve). The new lot had been proposed to be assigned a Benningfield Road address (the closest named street), although the lot does front that road. Naming of the unmade road through Bob Gordon Reserve is recommended to provide the new lot with a meaningful street address.
- This report seeks Council endorsement of the proposed renaming and new road name in accordance with Council Policy 096 – Naming of Roads, Parks, Buildings and Infrastructure; and the Landgate's Geographic Names Committee Policies and Standards



Aerial of Farrington Road, Kardinya to rename

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)



Unnamed Road Reserve through Bob Gordon Reserve, Bull Creek

BACKGROUND

Under the provisions of the *Land Administration Act 1997*, Landgate and the Geographic Names Committee (GNC) have delegated authority for all official naming of topographical and/or cultural features to ensure the selection and recording of names in a systematic and timely manner. Any naming proposals are required to meet the GNC Policies and Standards.

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

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

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

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)

At the April 2020 Ordinary Council meeting, Council resolved to review its Schedule of Names and call for submissions to identify names that meet the criteria identified in Council Policy CP-096. Officers have commenced work on this project in consultation with Landgate who released new guidelines in November 2020 for Aboriginal and Dual Naming of geographic features and places in Western Australia.

The review of the City's Schedule of Names is an ongoing project that requires engagement with the community and local aboriginal groups and is likely to take a further 12-18 months. The construction of the dwelling at the current 12 Benningfield Road, Bull Creek will be complete before the review of the City's Schedule of Names and Landgate has requested the City provide a revised address prior to the completion of the dwelling.

Rename Portion of Farrington Road, Kardinya

The property owner of 2 Stone Court, Kardinya has enquired with the City regarding subdivision of their property. The site is a corner allotment with frontage to Stone Court and a section of carriageway officially described as Farrington Road. The site has subdivision potential under its Residential R25 zoning.

The subdivision proposal would result in a new lot with a street address on Farrington Road. This portion of road however does not function or appear as part of the actual Farrington Road. The naming of this separate piece of carriageway as part of the actual Farrington Road is a land administration anomaly. There is opportunity to provide this section of road with its own name to avoid confusion.

Unnamed Road Reserve, Bob Gordon Reserve, Bull Creek

WAPC approved a subdivision of a property at 9 Dirk Hartog Road, Bull Creek. The new lot fronts an unnamed road reserve at the rear of the site. It had been proposed to provide the new lot with an address of 12 Benningfield Road given this was the nearest named street. This proposed address is not supported by Landgate. There is opportunity to provide the new lot with a more meaningful address by providing a name to the unmade road reserve through Bob Gordon Reserve.

Landgate's Policies and Standards for Geographic Naming in Western Australia state:

"Any new, or change to existing, names for topographic features, administrative boundaries or roads shall not risk public and operational safety, interfere with emergency service responders, or cause confusion for transport, utility, communication and mail services. Any submissions to change existing names will only be considered when the long-term benefits to the community can be shown to outweigh any private or corporate interests, or short-term effects."

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)**DETAIL****Farrington Road, Kardinya**

A name change to the section of Farrington Road, Kardinya which is independent of the actual Farrington Road thoroughfare is proposed. A separate road name will provide clear identification of the road and adjoining properties and avoid ambiguity. The portion of carriageway to be renamed flows into Windelya Road at the eastern end and Maritime Avenue at the western end. The preferred option to rename the section of carriageway is to use one of these existing road names. Street numbering on both Maritime Avenue and Windelya Road is conducive to the proposed name change. It is noted that a property at 30 Maritime Avenue currently has a cross over to the section of carriageway currently named Farrington Road. Accordingly it would be preferable to use the name Maritime Avenue for clarity and to avoid any need for renumbering.

Unnamed Road Reserve, Bob Gordon Reserve, Bull Creek

As a result of subdivision of 9 Dirk Hartog Road, Bull Creek, Landgate has requested the City name a portion of unnamed road reserve through Bob Gordon Reserve, accessed from Benningfield Road.

The rear subdivided lot of 9 Dirk Hartog Road, Bull Creek, Lot 2 on Survey Strata Plan 80581 currently fronts the unnamed road reserve through Bob Gordon Reserve, however has a street address of 12 Benningfield Road, Bull Creek. Benningfield Road is approximately 56 metres away from the lot. Lot 2 was issued with a Building Licence for a two storey dwelling in October 2020.

Future potential subdivision of adjoining 7, 5 and 5A Dirk Hartog Road, may also involve frontage to the unnamed road reserve.

Naming of the unnamed road reserve is recommended. In accordance with Council Policy CP-096 and Landgate's Policies and Standards for Geographic Naming in Western Australia the following names have been shortlisted as they are listed under the Bull Creek/Leeming Ward or General; and they meet Landgate's preliminary road name validation test.

1. Costello Place
Winifred COSTELLO - First Principal Mistress, Brentwood Primary School 1960-62.
2. Kernot Place
Barbara KERNOT - Secretary of Melville Greening Australia, particularly working at Point Walter in the 1980's. This led to the City of Melville's management plan for the Reserve.
3. Overman Place
Peter OVERMAN – Architect. Contributed to the residential fabric of the City of Melville. The Overman Residence at 71A Matheson Road, Applecross constructed in 1978 is included in the Australian Institute of Architecture's Nationally Significant 20th Century Architecture. The Peter Overman Award for Residential Architecture – Houses (Alterations and Additions) is presented at the WA Architecture Awards.

It is recommended that community engagement be commenced on the above proposed names for the unnamed road reserve.

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)**STAKEHOLDER ENGAGEMENT**

All naming proposals are subject to consultation with the community in accordance with the requirements of Landgate's Policies and Standards for Geographic Naming in Western Australia.

I. COMMUNITY

Subject to Council approval, the City will commence public consultation of the proposed road names with advertisement in the local newspaper; a notice on the City's website; and written correspondence with owners and occupiers of all properties which abut the subject roads. A period of 30 days is provided for comment.

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

II. OTHER AGENCIES / CONSULTANTS

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

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

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The proposed road names will provide clarity to street addressing and property locating, assisting the servicing of these sites. The City may choose to not proceed with the proposed road naming. The implication would be reduced clarity on property location and ambiguity to service providers, including emergency service responders.

CONCLUSION

Renaming of portion of Farrington Road and naming of the unmade road reserve through Bob Gordon Reserve is recommended. The proposed names meet the requirements of the Council Policy and Landgate's Geographical Naming Committee Policies and Standards. Endorsement of the identified road name options is sought to enable advertising for community feedback. At the completion of community engagement the road names would be presented to Council for consideration and forwarding to the Geographic Names Committee for final endorsement.

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)

OFFICER RECOMMENDATION (3893)

APPROVAL

At 7:22pm Cr Sandford moved, seconded Cr Barber –

That the Council

1. Endorses the renaming of the portion of Farrington Road, Kardinya between Maritime Avenue and Windelya Road and directs the Chief Executive Officer to commence community engagement on the following proposed road names:
 - (a) Maritime Avenue as the preferred option; or
 - (b) Windelya Road
2. Endorses the naming of unnamed road reserve through Bob Gordon Reserve, Bull Creek and directs the Chief Executive Officer to commence community engagement on the following proposed road names:
 - (a) Costello Place;
 - (b) Kernot Place; or
 - (c) Overman Place
3. Notes that on completion of the 30 day public engagement period, a report on any submissions received will be presented to Council for consideration and forwarding of recommendations to the Geographic Names Committee.

Amendment

COUNCIL RESOLUTION

At 7:22pm Cr Macphail moved, seconded Cr Wheatland –

That the following be included:
2(d) Robartson Place

At 7:31pm the Mayor declared the motion

CARRIED (8/2)

Yes	8	Cr Duncan Macphail, Cr Glynis Barber, Cr June Barton, Cr Karen Wheatland, Cr Katy Mair, Cr Margaret Sandford, Cr Tomas Fitzgerald, Mayor Gear
No	2	Cr Steve Kepert, Cr Nicholas Pazolli

P21/3893 - NAMING OF UNNAMED ROAD, BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC)

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:22pm Cr Sandford moved, seconded Cr Barber –

That the Council

- 1. Endorses the renaming of the portion of Farrington Road, Kardinya between Maritime Avenue and Windelya Road and directs the Chief Executive Officer to commence community engagement on the following proposed road names:**
 - (a) Maritime Avenue as the preferred option; or**
 - (b) Windelya Road**
- 2. Endorses the naming of unnamed road reserve through Bob Gordon Reserve, Bull Creek and directs the Chief Executive Officer to commence community engagement on the following proposed road names:**
 - (a) Costello Place;**
 - (b) Kernot Place; or**
 - (c) Overman Place**
 - (d) Robartson Place**
- 3. Notes that on completion of the 30 day public engagement period, a report on any submissions received will be presented to Council for consideration and forwarding of recommendations to the Geographic Names Committee.**

At 7:32pm the Mayor declared the motion

CARRIED (8/2)

Yes	8	Cr Duncan Macphail, Cr Glynis Barber, Cr June Barton, Cr Karen Wheatland, Cr Katy Mair, Cr Margaret Sandford, Cr Tomas Fitzgerald, Mayor Gear
No	2	Cr Steve Kepert, Cr Nicholas Pazolli

At 7:32pm Cr Robartson re-entered the meeting.

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM R40 TO PUBLIC OPEN SPACE
(REC) (ATTACHMENT)**

Ward	: Central
Category	: Strategic
Application Number	: Not Applicable
Property	: 11 Cottrill Street, Myaree (Phil Ward Reserve)
Proposal	: Scheme Amendment – Rezoning 11 Cottrill Street, Myaree from R40 to Public Open Space
Applicant	: Not Applicable
Owner	: State of Western Australia
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P20/3871 – Response to Petition – Phil Ward Reserve, 11 Cottrill Street, Myaree, Ordinary Meeting of Council held 16, 22 and 29 September 2020. Item P19/3812 – Relinquishment of Management Order for Phil Ward Reserve, 11 Cottrill Street, Myaree - Ordinary Meeting of Council held 16 July 2019. Item 13.2 Petition – Seeking Recreation Zoning of Phil Ward Park, 11 Cottrill Street. Myaree – Ordinary Meeting of Council held 16 June 2020.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 – REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC OPEN SPACE (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>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- The City received a petition in June 2020, signed by 188 residents of the City of Melville, relating to Phil Ward Reserve at 11 Cottrill Street, Myaree. The petition, amongst other things, requested that the City arrange for the rezoning of Phil Ward Park from residential R40 to such zoning as will preserve its use as a park.
- At its Ordinary Meeting held on 15 and 22 and 29 September 2020 the Council initiated Local Planning Scheme No.6 – Amendment No.8. The amendment proposes to rezone 11 Cottrill Street, Myaree (Phil Ward Reserve) from R40 to Public Open Space.
- The proposed amendment was advertised for 42 days and 39 submissions were received.
- Of the submissions received, 35 support the proposal. The four submissions that do not support the proposed scheme amendment identify concerns relating to whether there is a need for the site to be retained as a park given the size and amenity offered by other public open spaces in close proximity and a perceived loss of revenue opportunities for the City.
- It is recommended that Council adopt the proposed amendment.

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)****BACKGROUND**

The City received a petition in June 2020, signed by 188 residents of the City of Melville, relating to Phil Ward Reserve at 11 Cottrill Street, Myaree. The petition, amongst other things, requested that the City arrange for the rezoning of Phil Ward Park from residential R40 to such zoning as will preserve its use as a park.

Council considered a report in response to the petition at its Ordinary Meeting held on 15 and 22 and 29 September 2020. The Council resolved to initiate proposed scheme the amendment as follows:

“That the Council:

- 1. Notes the report prepared in response to the petition received with respect to the future of Phil Ward Reserve 39764 at 11 Cottrill Street, Myaree (Reserve).*
- 2. With respect to the requests made in the petition, directs the CEO to advise the lead petitioner that Council does not have the authority to restrict engagement by a third party with the Minister for Lands, or with the community with regard to the development of the Crown land, but that the Council does not support the development of the Reserve for aged care or any other residential or commercial purposes.*
- 3. In accordance with section 75 of the Planning and Development Act 2005, resolves to initiate an amendment to Local Planning Scheme 6 by changing the designation of 11 Cottrill Street, Myaree, (Crown Reserve 39764) from Residential R40 to a Local Reserve for Public Open Space.*
- 4. Notes that the proposed amendment is considered a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - a) The amendment is consistent with the City’s Local Planning Strategy;*
 - b) The scope of the amendment is limited to the subject site;*
 - c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
 - d) The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.*
- 5. Directs the CEO to provide a report to Council by no later than the November 2020 Ordinary Meeting of Council on what other parks/reserves referred to in LPS 6 have been rezoned to residential, for Council to decide whether the designation of any of such parks/reserves should also be changed to Local Reserve for Public Open Space.*
- 6. Notes that a further report will be presented to the Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission on whether the proposed amendment should be approved, refused or modified.*

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**

7. *That the CEO provides progress reports on the above Scheme amendments to the Reserve and any other reserves to Council on a fortnightly basis in the Elected Members Bulletin.*
8. *Supports the commencement of improvements to the Phil Ward Park Reserve, such as an age-friendly pathway and wheelchair-suitable seating and table, in consultation with the local community, as soon as is practicable once the scheme amendment has been approved by the applicable Government agencies.”*

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R40

Site Details

Crown Reserve	: 39764
Land description	: Lot 10890 Diagram 68857
Certificate of Title	: LR3159/934
Current Owner	: State of Western Australia Reserve under Management Order to the City of Melville for the purpose of Public Recreation – Phil Ward Reserve
Lot Area	: 1850m ² as per Certificate of Title (subject to survey)
Street Tree(s)	: Willow Myrtle (Agonis Flexuosa)
Street Furniture (drainage pits etc.)	: Vehicle swing gate, treated pine timber bollards

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**



**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**

DETAIL

The proposed scheme amendment was initiated by the Council at its Ordinary Meeting held on 15 and 22 and 29 September 2020. The amendment proposes to rezone Lot 10890 (No.11) Cottrill Street, Myaree (Phil Ward Reserve) from Residential R40 to Public Open Space.



Figure 1. Proposed Scheme Amendment Map

The proposed amendment was advertised for 42 days. The City has engaged with the community via a sign on site, Melville Talks on the City of Melville website, a newspaper advertisement and letters to all properties adjacent to the site.

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**

A total of 39 submissions were received. 35 support the proposal primarily stating the need to preserve the site as a park. The four submissions that do not support the proposed scheme amendment identify concerns relating to whether there is a need for the site to be retained as a park given the size and amenity offered by other public open spaces in close proximity and a perceived loss of revenue opportunities for the City if the site is not developed.

[3895 Attachment 1 Schedule of Submissions](#)**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes

I. COMMUNITY

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

Amendment No.8 was publicly advertised from 5 November to 17 December 2020 (48 days). Submissions received are documented in this report.

II. OTHER AGENCIES / CONSULTANTS

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

The following relevant agencies were also consulted on the proposed amendment: Main Roads WA, Department of Transport, Public Transport Authority, Water Corporation, Western Power, Alinta Gas and WAPC. No submissions from public authorities were received.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are negligible financial implications with this request as the City would not benefit financially from the sale of the land by the State Government.

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications. Adoption of the amendment is in keeping with the Local Planning Strategy.

It is noted that the Council is not the final decision-maker. The WAPC is the determining authority for the scheme amendment.

POLICY IMPLICATIONS

There are no policy implications with this proposal.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are a number of alternate options available for the Council to consider which are summarised below.

Alternate Option	Implication
Request that changes be made to the Plan or Scheme Amendment 3 prior to its endorsement.	Changes can be made via a resolution of the Council
Do not support Scheme Amendment No.8	The scheme amendment would be referred to the WAPC for final determination in accordance with the Regulations, noting that Council does not support the amendment.

CONCLUSION

Scheme Amendment No.8 was advertised for 42 days in accordance with the regulations. A total of 39 submissions were received, with 35 in support and four providing objections to the proposal.

It is recommended that the Council supports the Scheme Amendment. The WAPC is responsible for determining the Scheme Amendment following the Council's decision.

**P21/3895 - ADOPTION OF AMENDMENT NO.8 TO LOCAL PLANNING SCHEME NO.6 –
REZONING 11 COTTRILL STREET, MYAREE FROM RESIDENTIAL R40 TO PUBLIC
OPEN SPACE (REC) (ATTACHMENT)**

At 7:32pm Cr Barber left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3895) APPROVAL

At 7:32pm Cr Mair moved, seconded Cr Sandford –

That the Council:

- 1. Endorses, pursuant to Part 5 of the *Planning and Development Act 2005*, Scheme Amendment No. 8 to Local Planning Scheme No. 6 by rezoning 11 Cottrill Street, Myaree, (Crown Reserve 39764) from Residential R40 to Public Open Space.**
- 2. Advises the Western Australian Planning Commission that the proposed amendment is considered a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
 - a) The amendment is consistent with the City’s Local Planning Strategy;**
 - b) The scope of the amendment is limited to the subject site;**
 - c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - d) The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.**
- 3. Notes the submissions received during the public advertising of Scheme Amendment No.8 and directs the Chief Executive Officer to advise all submitters and relevant landowners in writing of the Council’s resolution.**

At 7:34pm the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

At 7:35pm Cr Barber returned to the meeting.

Disclosures of Interest

Member	Cr Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Close relative owns property in Forbes Road, Applecross
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

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

At 7:35 having declared an interest in this matter, Cr Mair left the meeting.

P21/3896 LPP - 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: Applecross - Mt Pleasant
Category	: Policy
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Report on Preparation 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	: Item P20/3873 – Draft Local Planning Policy Bonus Building Height – Canning Bridge Activity Centre, Ordinary Meeting of Council 20 and 21 October 2020. Item P20/3853 – Progress on Local Planning Policy – CBACP – Bonus Building Height – Special Council Meeting 4 May 2020. Item P19/3848 - Progress on Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height, Ordinary Council Meeting 21 April 2020. Item 17.3 Motion Without Notice: Canning Bridge Activity Centre Plan, Ordinary Meeting of Council 10 December 2019. Item P19/3810 - Adoption of Local Planning Policy – CBACP – Bonus Building Height Provisions, Ordinary Meeting of Council 20 and 27 August 2019. Item P19/3805 – Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions, Ordinary Meeting of Council 19 March 2019. Item P18/3793 - Canning Bridge Activity Centre Plan – Council Request for Preparation of Planning Policy, Ordinary Meeting of Council held 20 November 2018.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL 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>
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<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>

KEY ISSUES / SUMMARY

- At its meeting on 20 and 21 October 2020 (Report P20/3873) the Council adopted draft Local Planning Policy 1.20 (LPP1.20) Canning Bridge Activity Centre – Density and Bonus Provisions, as prepared by the projects Stakeholder Working Group, for the purpose of public advertising.
- The intended purpose of LPP1.20 is to provide additional clarity on the outcomes of the Canning Bridge Activity Centre Plan (CBACP) with respect to increased densities and Bonus Provisions. LPP1.20 seeks to provide additional guidance with respect to measurement and control of these items.
- As per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City has undertaken formal public consultation for the proposed LPP.
- The draft policy was publicly advertised for 21 days, between 19 November 2020 and 10 December 2020, and a total of 117 submissions were received. The submissions consist of 94 in support and 22 that object to the policy with one (1) neutral submission.
- Community support for the draft LPP1.20 is noted, however, independent legal advice indicates that some content of the policy is inconsistent with other higher order planning instruments within the statutory planning framework which, if adopted, will significantly limit the effectiveness of the policy in operation.
- The notion of exploring additional control of built form and intensity in the CBACP is supported however, as advised by independent legal advice, the LPP approach is not the correct mechanism to respond to these issues.
- Accordingly, based on the legal advice obtained, it is recommended that the Council does not adopt LPP1.20 at this stage, and it is recommended that the initiatives contained in the LPP be considered for implementation as part of the current review of the CBACP.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

Council in early 2019 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). Reporting on the draft LPP noted that 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.

Following the preparation and advertising of draft *LPP1.18 CBACP Bonus Building Height Provisions*, at its meeting on 20 August 2019, Council resolved not to proceed with the draft LPP1.18.

Council at its meeting on 10 December 2019 supported a Notice of Motion to engage an external planning consultant to prepare a new draft LPP relating to bonus heights in the CBACP. A Stakeholder Working Group (SWG) made up of residents and other stakeholders local to the Canning Bridge Activity Centre area was established to assist the consultant with the preparation of the policy.

At its meeting on 20 and 21 October 2020 (Report P20/3873) Council resolved not to proceed with the policy prepared by the town planning consultant instead resolving to adopt an alternate policy as prepared by the SWG, *LPP1.20 Canning Bridge Activity Centre – Density and Bonus Provisions*, for the purpose of public advertising.

[3896 Attachment 1 LPP1.20 Canning Bridge Activity Centre Plan Density and Bonus Provisions](#)

DETAIL

Draft LPP1.20 has been prepared by members of the Stakeholder Working Group that was formed to assist an external planning consultant prepare a draft LPP relating to Bonus Building Heights in the CBACP.

The intended purpose of LPP1.20 is to provide additional clarity on the intended outcomes of the CBACP with respect to increased densities and Bonus Provisions. LPP1.20 intends to provide additional guidance with respect to the measurement and control of these items.

Draft LPP1.20 was publicly advertised for 21 days from 19 November to 10 December 2020. The City has engaged with the community via Melville Talks on the City of Melville website, social media, a newspaper advertisement and letters to all properties within the CBACP area.

A total of 117 submissions were received.

[3896 Attachment 2 Schedule of Submissions](#)

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

A total of 94 submissions identified as supporting the proposed policy. The primary reasons cited for supporting the policy were:

- The maximum height bonuses and maximum dwelling densities are in keeping with community expectations.
- It establishes a transparent and measurable relationship between community benefits and bonus height.
- It establishes expectations and standards for achieving exemplary design.
- It will assist in protecting the amenity of existing residents.
- It will offer greater certainty and consistency for decision making in regards to development applications.

A total of 22 submissions identified as objecting to the proposed policy. The primary reasons cited for objection to the policy were:

- Maximum height bonuses are inconsistent with the CBACP and undermine the recent decision by the WAPC not to support maximum height bonuses of this nature.
- Maximum dwelling densities per hectare are inconsistent with the R-Codes and CBACP.
- Minimum lot sizes increasing proportionate to the awarding of bonus height is arbitrary and not based upon good planning principles or design considerations.
- The performance assessment of bonus items includes an inconsistent and onerous points system for community benefits that are not practically capable of being satisfied to achieve the policy's maximum permitted height bonuses.
- Provisions relating to 'Stranded Assets' are not clearly defined.
- The policy will have a detrimental impact on development viability and property value.
- The policy is inconsistent with higher order planning instruments in the statutory planning framework, namely the CBACP and the R-Codes. This will create uncertainty and set unrealistic expectations for the community.
- The policy reduces the incentive for high quality development outcomes.
- The policy is not based on sound town planning principles.
- The policy is poorly formatted and difficult to interpret.

It is noted that nine (9) submissions that identify as opposing the LPP provided reasons indicated that they do not support the concept of Bonus Provisions at all.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes

I. COMMUNITY

A Stakeholder Working Group (SWG) was formed to assist an external planning consultant prepare a draft Local Planning Policy relating to Bonus Building Heights in the CBACP.

The SWG membership was formed via invitation of individuals who participated in the engagement process of the draft *Local Planning Policy 1.18 – Canning Bridge Activity Centre – Bonus Building Height Provisions* (LPP1.18) that was previously advertised in mid-2019. The group included residents within the CBACP area as well as industry professionals such as architects and planning consultants who operate within the area.

During the project consultant's preparation of LPP1.18, SWG members prepared an alternative policy for the Council's consideration. On 21 October 2020 Council resolved not to proceed with the town planning consultant's policy and decided to advertise the policy prepared by the SWG *LPP1.20 – Canning Bridge Activity Centre Plan – Density and Bonus Provisions* which is the subject of this report.

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City of Melville must advertise the proposed policy for a minimum of 21 days. The City has engaged with the community Melville Talks on the City of Melville website, social media, a newspaper advertisement and letters to all land owners and occupiers within the CBACP area.

II. OTHER AGENCIES / CONSULTANTS**West Australian Planning Commission**

It is noted Elected Members sought the advice of the WAPC on LPP1.20 as first prepared by the 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 advise that the LPP has overreached its abilities due to its conflict with higher order planning instruments. The WAPC also notes that the issues of dealing with bonus building height are best dealt with through the current review of the CBACP.

The WAPC advice of the following key issues for LPP1.20 (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 the R-Codes 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).

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**Legal Advice**

LPP1.20 was referred for independent legal review. The advice received raises a number of concerns regarding the content of the policy to the extent where it poses inconsistencies with other higher order planning instruments within the planning framework and how this may limit the effectiveness of the policy in operation.

The advice was that the Draft SWG LPP contains provisions which are inconsistent with the CBACP and the R-Codes and that, due to the inconsistency with the CBACP or R-Codes, a decision maker would correctly afford little or no weight to the maximum height bonuses and density control provisions of the DRAFT SWG LPP.

In summary the advice indicated that it may be anticipated that decision makers such as the Joint Development Assessment Panel and the State Administrative Tribunal may have little or no regard to the LPP. The LPP also presents inconsistencies with State Planning Policy. In such circumstances Planning Regulations seeks Western Australian Planning

Commission notification to address the inconsistency and where there are real questions as to whether the Draft SWG LPP is based on sound planning principles.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme 6 and the *Planning and Development (Local Planning Schemes) Regulations 2015* establishes the approval process and advertising requirements for a LPP.

The statutory framework that local planning policies sit within has a clear hierarchy of planning instruments. 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). State Planning Regulations require the Western Australian Planning Commission to be notified where an LPP is inconsistent with any State Planning Policy.

Notwithstanding the above consideration, should the LPP be adopted it shall not take effect upon the publishing of an advice notice in a local newspaper.

FINANCIAL IMPLICATIONS

Not applicable.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
If adopted, the LPP may be afforded little or no weight by decision makers in considering development applications as it includes content beyond the capability of a LPP. Specifically the LPP contains provisions relating to maximum height bonuses and maximum density bonuses which are inconsistent with higher order planning instruments (primarily the CBACP) and inconsistent with State Planning Policy.	Moderate consequences which are Almost Certain, resulting in an Extreme level of risk	It is recommended that LPP 1.20 not be adopted. The initiatives within the LPP may still be pursued; however, it is recommended that this occur as part of the current review of the CBACP. Should Council resolve to support the adoption of the LPP then it is recommended that the WAPC be given notification. The LPP presents inconsistency with State Planning Policy which further diminishes its effectiveness. The WAPC examination would allow for resolution of the current inconsistencies with State Planning Policy.
Proceeding with the policy may create uncertainty and set unrealistic expectations for the community given that the content of the LPP is likely to be afforded little or no weight by decision makers.	Moderate consequences which are Likely, resulting in a High level of risk	Recommendation that Council does not proceed with the LPP. As discussed, the correct planning instrument to examine the type of controls proposed in the LPP is the current review of the CBACP.

POLICY IMPLICATIONS

The inconsistencies between LPP1.20 and the CBACP will detract from the effective operation of the CBACP and LPP1.1 Planning Processes and Decision Making. Conclusions are that little or no weight can be given to the proposed LPP due to its inconsistency with higher order legislation. This situation would present an unclear policy position to stakeholders.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council may choose to proceed to adopt LPP1.20 in accordance with the process set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Council may choose not to notify the WAPC of the LPP although there being known inconsistency with State Planning Policy. If the LPP were adopted, Council may seek to apply the content of the LPP in the assessment of development applications regardless of the LPP's inconsistencies with higher order legislation. Implications for these options include:

- the intent of the Planning Regulations in relation to ensuring that WAPC is provided with opportunity to address a LPP's potential inconsistency with State Planning Policies would not have been followed. This circumstance would contribute to the LPP being given little or no weight by decision makers;
- In terms of applying the LPP, as stated above, there are problems with the LPP in terms of whether it is based on sound planning grounds and known inconsistencies with higher order legislation. In application, the LPP is likely to be given little or no weight by decision makers.

Many of the initiatives in the LPP are aimed at the achievement of good outcomes within the CBACP area. The exploring of these initiatives to achieve improved outcomes is supported. The recommendation to not adopt the LPP is due to a LPP not being the correct instrument to implement the initiatives. The CBACP is a planning instrument capable of implementing desired modifications/improvements to the existing planning framework. The current review of the CBACP provides opportunity to progress this cause.

CONCLUSION

Draft LPP1.20 contains a number of elements which are beyond the scope of a LPP. Key elements are discussed below:

Maximum Height Controls:

LPP1.20 includes a 30 percent maximum height bonus similar to the proposed CBACP amendment that was not supported by the WAPC in April 2020. Introduction of new controls on building height would require comprehensive built form studies and WAPC approval of changes to the CBACP or LPS 6 for the LPP to be consistent with these higher order planning instruments. The current review of the CBACP provides a suitable mechanism to explore achievement of additional height control.

Maximum Density Controls:

LPP1.20 includes maximum density controls which are inconsistent with the R-AC0 coding for the CBACP area would require WAPC approval of changes to the CBACP or LPS 6 for the LPP to be consistent with these higher order planning instruments. The current review of the CBACP provides a suitable mechanism to explore achievement of these types of development controls.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)*Minimum Site Area Requirements:*

LPP1.20 includes minimum site area requirements that are more onerous than and are in conflict with the site area requirements of the CBACP. Introduction of new controls on building height would require comprehensive built form studies and WAPC approval of changes to the CBACP or LPS 6 for the LPP to be consistent with these higher order planning instruments. The current review of the CBACP provides a suitable mechanism to explore achievement of additional height control.

Summary:

The notion of exploring additional control of built form and intensity in the CBACP is supported. Adoption of the current draft LPP is not supported however, due to the potential that it cannot be enforced as the local planning policy approach is not the correct mechanism to respond to these issues. Under the local planning framework a LPP needs to maintain consistency with higher order planning instruments such as the CBACP. A LPP also needs to be based on sound planning grounds. Independent legal advice and the advice from the WAPC is that the draft LPP does not meet these requirements. Adoption of the LPP will result in a document that is expected to be given little or no weight by decision makers. Many of the initiatives in the draft LPP have the potential to provide good built form outcomes in the CBACP area, but will be ineffective at LPP level. The current review of the CBACP provides opportunity to respond to make changes to the higher order planning instrument and achieve additional control with respect to matters such as built form. It is recommended that these items be further examined in the current review of the CBACP.

OFFICER RECOMMENDATION (3896) REFUSAL**That the Council:**

1. **Notes the submissions received during the public advertising for the Local Planning Policy;**
2. **Pursuant to Part 2, Clause 4(2)(b)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves not proceed with Local Planning Policy 1.20: Canning Bridge Activity Centre – Density and Bonus Provisions;**
3. **Notes that the development control initiatives contained within the draft LPP will be further explored in the current review of the Canning Bridge Activity Centre Plan;**
4. **Notes that all submitters will be advised of the Council's decision.**

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Reject And Replace Motion

COUNCIL RESOLUTION

At 7:35pm Cr Sandford moved, seconded Cr Fitzgerald –

That the Council:

- 1. Notes the submissions received during the public advertising for the Local Planning Policy;**
- 2. Pursuant to Schedule 2, Part 2, Clause 4(2)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to proceed with Local Planning Policy 1.20: Canning Bridge Activity Centre – Density and Bonus Provisions without modification;**
- 3. Notes that the development control initiatives contained within the draft LPP will be further explored in the current review of the Canning Bridge Activity Centre Plan;**
- 4. Notes that all submitters will be advised of the Council's decision.**

At 7:55pm the Mayor declared the motion

CARRIED (8/2)

Yes	8	Cr Glynis Barber, Cr June Barton, Cr Karen Wheatland, Cr Margaret Sandford, Cr Nicholas Pazolli, Cr Steve Kepert, Cr Tomas Fitzgerald, Mayor Gear
No	2	Cr Clive Robartson, Cr Duncan Macphail

Reasons for the Reject and Replace Motion as provided by Cr Sandford

1. Since early in 2019 the Council and many members of the community have been exploring the opportunity to use a Local Planning Policy (LPP) to provide additional clarity in the process for awarding bonus heights in the CBACP, due to widespread community dissatisfaction.
2. After rejecting two previous draft LPPs recommended by City Officers, in October 2020 Council adopted the SWG's LPP1.20 by 10 votes to 2.
3. The subsequent public consultation shows that LPP1.20 has the vast majority support of the community. Of 117 submissions received, there were **94 in support, 9 opposed to any height bonuses**, and only 13 opposed. (Compare this with only 16 responses from the whole City of Melville in relation to the recent engagement over how and when to mark Australia Day).
4. The Officers' report states at page 32 "*Many of the initiatives in the LPP are aimed at the achievement of good outcomes within the CBACP area. The exploring of these initiatives to achieve improved outcomes is supported.*" And at page 33 "*The notion of exploring additional control of built form and intensity in the CBACP is supported...*", but then provides a variety of views as to why any controls should be left as part of the overall review of the CBACP.

P21/3896 - LPP 1.20 CBACP DENSITY AND BONUS PROVISIONS – REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

5. Based on the repeated long delays already experienced in completing the CBACP review, which Council was previously told would be completed by June 2020, we still have no idea when the overall review will be completed. This leaves an indefinite vacuum during which officers propose that **no** policy guidelines should exist to provide guidance to developers and regulators as to the City's and the community's aspirations as to bonus heights and density in the CBACP.
6. The WAPC has already considered LPP 1.20 in September 2020 and stated that LPP1.20 contained various elements which are consistent with the Deemed Provisions of the 2015 Planning Regulations; and that the City should consider this LPP as an interim solution pending the overall review of the CBACP. The WAPC did not rule out the adoption of LPP 1.20 as an option.
7. The City's legal advice positively confirms that a local planning policy can legally include maximum height bonuses and density controls, the only possible issue being as to the weight to be given to such controls by any decision maker.
8. The question of which aspects of a planning policy may be inconsistent with the CBACP is a matter of opinion and conjecture, as evidenced by the City's officers having disagreed with the view of the WAPC that the Taylor Burrell policy contained inconsistencies with the CBACP.
9. Many in the community have urged Council to adopt LPP1.20 pending the unknown completion date of the full CBACP review, because they believe that it is better than the previous two policy alternatives, and much better than having no such policy. LPP 1.20 will serve as an amber warning light to developers, JDAP, and the City's CBACP consultants to signal where the community stands in relation to bonus heights and density in the CBACP area.

Disclosures of Interest

Member	Cr Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Trustee of a Self-Managed Superannuation Fund that holds shares in Scentre Group and AMP
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)

Ward	: Central
Category	: Strategic
Application Number	: N/A
Property	: 10 Almondbury Road and 125-133 Riseley Street, Booragoon
Proposal	: Melville City Centre Land Exchange with Westfield Booragoon (Scentre Group/AMP Capital Funds Management)
Applicant	: City of Melville and Westfield Booragoon
Owner	: City of Melville and Westfield Booragoon
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P20/3890 Melville City Centre Land Exchange Ordinary Meeting of Council 8 & 9 December 2020 Item P14/3582 Melville City Centre Redevelopment – Special Meeting of the Council 18 December 2014 Item P15/3627 Melville City Centre Land Exchange – Ordinary Meeting of Council 12 May 2015
Responsible Officer	: Jeremy Rae Strategic Property Executive

AUTHORITY / DISCRETION

DEFINITION

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

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Melville City Centre Structure Plan envisaged the creation of a vibrant, pedestrian-friendly, double-sided “high street” between the City’s Civic Centre and the Garden City Shopping Centre.
- Scentre Group purchased 50% of the Garden City Shopping Centre in late 2019 from AMP Capital Funds Management and now controls the management and development rights over the Centre. They renamed the shopping centre “Westfield Booragoon.”
- Scentre Group staff briefed Elected Members and the Executive Leadership Team on the proposed modified plans to redevelop the shopping centre including the revised land boundary re-alignment with the City and the new modified High Street on 11 August 2020 and provided draft terms to the City on 18 September 2020 and 10 November 2020.
- The expansion of the shopping centre provides a unique opportunity to progress the objectives of the Melville City Centre Structure Plan, in particular the creation of the High Street precinct.
- Facilitating this opportunity requires a straightening of the common boundary between the shopping centre site and the City’s land. The land realignment is proposed to be achieved via a land exchange between the City and Scentre Group/AMP Capital Funds Management on a “like for like” basis of equal value.
- Achievement of the land exchange and ultimately the development of the High Street precinct are linked to the development approval for the shopping centre expansion. Commencement of the assessment of the development application requires the City to endorse the application forms as, prior to completion of the land exchange, portion of the development proposal would be on the City’s land.
- The process to initiate this requires Council to approve the Public Notice under section 3.58 of the *Local Government Act 1995* and call for submissions from the public occurred over a four week period from the 14th December 2020 to 11th January 2021. Subare contained in this report (see attachments).
- It is recommended that Council support the proposed land exchange transaction and authorise the CEO to proceed with formalising the land exchange agreement and the subdivision/amalgamation of the land exchange and amend the City’s land title.

BACKGROUND

The City owns Lot 52, 10 Almondbury Road, Booragoon in freehold title which includes the Civic Centre and Civic Square Library. The lots has an area of 31,864 m² and is zoned “Centre C1” in Local Planning Scheme No. 6 with a density of RAC-0 within the Melville City Centre Structure Plan. The Structure Plan provides for a new High Street and high quality public spaces to be created between the existing Shopping Centre and the Civic Centre. The High Street is expected to be vibrant, pleasant and commercially successful place.

Scentre Group purchased a 50% share of Garden City Shopping Centre from AMP Capital Funds Management and renamed it “Westfield Booragoon” in December 2019. The shopping centre is adjacent to the City Civic Centre and Library and Scentre Group has been in discussions with the City to plan a significant expansion of the Shopping Centre and submit a new development application with the State Development Assessment Panel.

P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)

The Melville City Centre Structure Plan provides the vision for the redevelopment of the City Centre and the relevant development requirements. The Structure Plan provides for a new High Street precinct featuring high quality public spaces to be created between the existing Westfield Booragoon and the City Civic Centre. The creation of the High Street precinct, as required by the Structure Plan, supports the transformation of the precinct to a City Centre by:

- Enhancing linkages through the centre
- Facilitation of the required public square
- Facilitation of the location for the library cultural centre development
- Ensuring that the space between the civic centre and the shopping centre is inviting and accessible to the public
- Providing opportunity for development, activity and vibrancy in a public setting outside of an internalised shopping centre environment.

The expansion plans for the shopping centre provide an opportunity to progress the High Street precinct. Importantly the expansion of the shopping centre presents an opportunity for much of the works associated with the creation of the High Street precinct to be provided as part of the development application process. The alignment of the current boundary between the City's land and the Scentre Group/AMP Capital Funds Management land is not conducive to the construction of the new High Street. The previous proposal to expand the shopping centre included a land exchange to straighten the boundary between the landholdings to allow a workable alignment for the creation of the High Street. The current plan seeks a similar straightening of the boundary to allow the High Street precinct to be realised.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Centre C1
R-Code	: RAC-0
Use Type	: N/A
Use Class	: N/A

Site Details

City Site

Address	: Lot 52 (10) Almondbury Road, Booragoon
Registered Owner	: City of Melville
Legal Description	: Lot 52 D064936
Certificate of Title	: Volume 1923 Folio 796
Land Area	: 31,864m ²

Westfield Booragoon

Address	: Lot 501 (125-133) Riseley Street, Booragoon
Registered Owner	: AMP Capital Funds Management Ltd
Legal Description	: Lot 501 DP412579
Certificate of Title	: Volume 1923 Folio 796
Land Area	: 169,355m ²

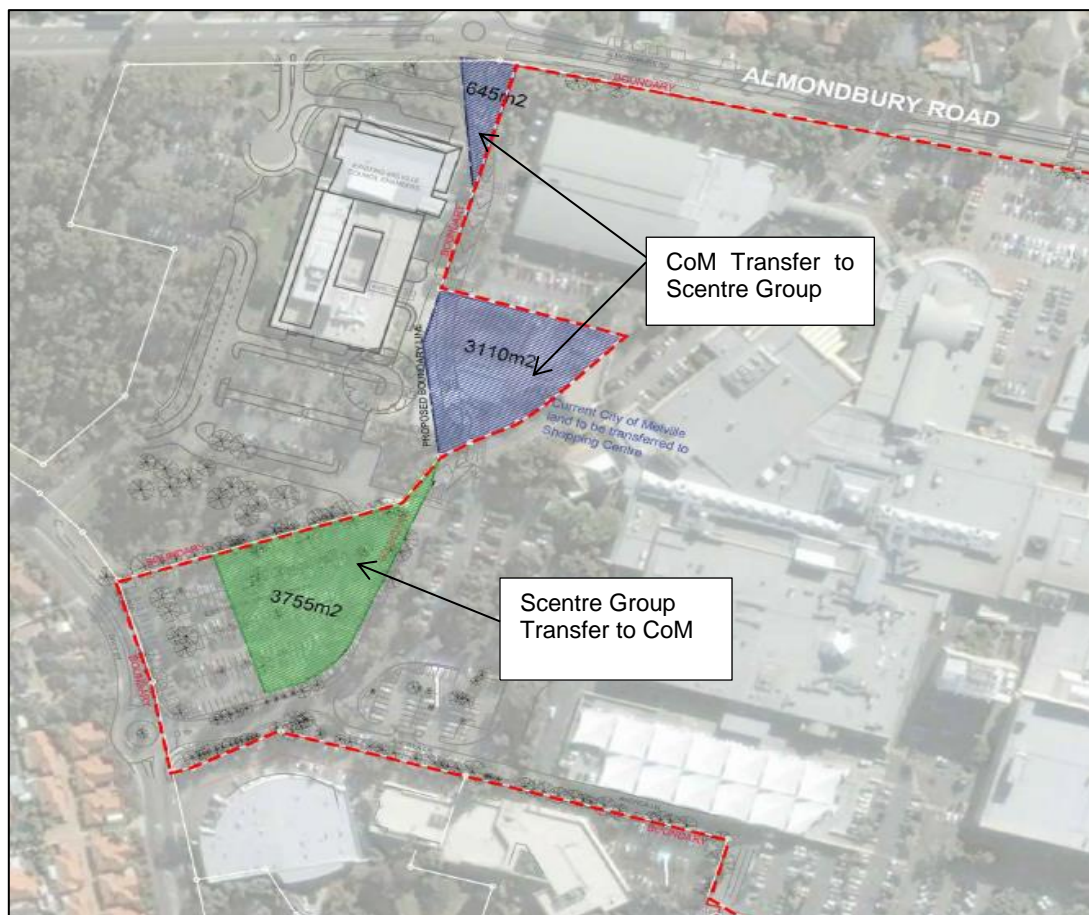
P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)

DETAIL

The preliminary plans prepared by Scentre Group for the expansion of the Westfield Shopping Centre have reflected the Structure Plan requirements in including the creation of the High Street and associated precinct. The High Street Precinct will be an integral part of the new shopping centre, creating a vibrant commercial, retail and cultural precinct. As highlighted above a low speed, pedestrian focused street in this location reinforces that the precinct is an emerging town centre as opposed to a shopping centre adjoining the civic/administration centre. The street provides a high level of public access and reinforces that the spaces being created, including a new town square, are part of the public realm.

Achievement of the High Street requires a straightening of the boundary between the City and shopping centre sites. A “like for like” land swap is proposed to achieve the boundary straightening. Specifically, Scentre Group/AMP Capital Funds Management has proposed to acquire from the City approximately 3,755m² of existing Lot 52 which includes the part of the existing Civic Square and Library. In return Scentre Group/AMP Capital Funds Management will offer the same size land parcel of approximately 3,755m² within “Westfield Booragoon’s shopping centre holding which is currently used as a car park.

An aerial view of the proposed land exchange is shown below.



Proposed Land Exchange Map

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)****Proposed Land Transaction**

Under the *Local Government Act 1995* the proposed transfer of land to achieve the straightening of the common boundary is considered to be a disposition of land and accordingly Section 3.58 of the Act would apply. The City publically advertised the proposed land exchange via Statewide Public Notice under Section 3.58(3) & (4) of the *Local Government Act 1995* for the disposition and acquisition of the land exchange parcels

This process requires the following:-

- City and Scentre Group/AMP Capital Funds Management enter a “like for like” land swap of equal value.
- City obtains an independent valuation for both parcels of land on an “As-Is” unimproved basis by way of direct market comparative sales evidence.
- The proposed land exchange value does not require a Business Plan to be prepared and advertised under Section 3.59 as the value of the land exchanged is below the threshold of \$8M, being 10% of the City’s current revenue base.
- The Public Notice will reference the land exchange parcels, the consideration (being the valuation amount) and the buyer and sellers names. The Public Notice will be advertised state wide for a period of 2 weeks (The City advertised the Notice for 4 weeks as it was over the Christmas period) and will call for submissions from the public.
- Upon closing of the Public Notice advertising period, the City will collate submissions received and prepare a submissions report to Council for consideration and decision on the land exchange.
- If approved the City will engage its solicitors to prepare the conditional land exchange contract/agreement for Council approval and execution
- Settlement of Land Exchange to only occur once Westfield commences substantive construction of the approved High Street.

Planning and Community Benefits

The proposed land exchange presents the opportunity to allow the Melville City Centre to develop towards the vision in the Structure Plan. The creation of the High Street precinct between the shopping centre and the City’s land is one of the key objectives of the Structure Plan. Its achievement requires cooperation between the City and the shopping centre owner and it is recognised the current opportunity to create the High Street precinct may be the last for several decades. Importantly the expansion of the shopping centre presents an opportunity for much of the works associated with the creation of the High Street precinct to be provided as part of the development application process. In summary, the land exchange and associated construction of the High Street precinct will provide the following benefits to the City:-

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)**

1. Facilitate the redevelopment and creation of a new public High Street Precinct, including shops, cafes, restaurants, entertainment, civic and cultural precinct.
2. Providing the Melville City Centre with a unique town centre identity and opportunity to grow into a vibrant mixed use place
3. Provide certainty regarding the site for the new library cultural facility building.
4. Facilitate the development of publically accessible town square and public spaces within the precinct.
5. Provide the City (via the land-swap) with a strategically located and useable parcel of land (shown green in the diagram above) with long term potential community or commercial development potential.
6. The new high street will be constructed by the proponent at their cost and is to be ceded to the City as a public road, securing public access and become an important amenity asset for the precinct.

PROCESS

The shopping centre redevelopment involves the following process.

- Phase 1 – Initiate Process (Completed Oct 2020)
- Phase 2 – Negotiation Phase (Completed Nov 2020)
- Phase 3 – CEO signs Form 1 Consent Westfield to lodge DA State DAP (4 months)
- Phase 4 – Advertising Public Notice Process (S 3.58 LGA) (Completed Jan 2021)
- Phase 5 – Public Submissions Report Presented to Council for Approval (Feb 2021)
- Phase 6 – Conditional Land Exchange Agreement Executed (Mar 2021)
- Phase 7 – Land Exchange Subdivision Approval by WAPC (Jun 2021)
- Phase 8 – Westfield Commences Construction of New High Street and Settlement of Land Exchange (2022)

Phases 1 and 2 have been completed and Stage 3 is underway with Council having approved the CEO to sign the Form 1 so that Westfield can lodge its Development Application (DA) with the State Development Assessment Unit (SDAU).

This report seeks Council approval to consider the public submissions received in Phase 5 and approve the proposed land exchange subject to the land exchange agreements being approved by Council, once they have been drafted in final form. Based on the above and subject to securing approvals and agreements within timeframes indicated, it is estimated that construction could be initiated by Westfield in 2022 and completed by the latter part of 2024.

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes – completed as per Section 3.58 (3) of the Act for a 32 day period.

I. COMMUNITY

The City's Stakeholder Engagement Policy CP-002 outlines the different levels of public consultation and communication required depending on complexity, risk, political sensitivity and the impact on the community. In this case, public advertising was required as per the Local Public Notice requirements of the Act (Section 3.58(3) and (4)) for no less than 14 days. The advertising would be regarding the potential land transaction, not the concept plan. Detailed development ideas/issues would be considered in future through the development application process. The Public Notice was advertised state-wide for a period of 32 days (4.5 weeks) on the 13th December 2020 to 11th January 2021.

The Public Notice was advertised as follows:-

1. Publication in State-wide West Australian (as per lineage ad request below).
2. Publication on the City's website for the period 14th December to 11th Jan 2021.
3. Exhibition of the notice in the City and all library public noticeboards for period 14th December to 11th Jan 2021.
4. Two submissions were received by the City during the public notice advertising period from Melville residents.

Below is a summary of the submissions and the City's response with further details provided in Attachment 1 of this report:-

Submission 1 (Applecross Resident)

Why are the land exchange parcels valued at exactly the same amount and can a plan be provided to show the proposed location of the land exchange parcels?

Response_- The values for the land exchange parcels were determined by an independent licensed Valuer (Colliers International) and were not determined by the City or Westfield Booragoon. The Valuer determined the exchange parcel values be reference to direct market comparative sales evidence disclosed in their valuation report. The submitter was provided with a copy of the proposed land exchange plan

Submission 2 (Mount Pleasant Resident)

Why was the Public Notice advertised over the Christmas holiday period as officers can't be contacted and consultants contacted to obtain alternative costings and valuations? The proposal doesn't identify any real community benefit and compensation for loss of amenity?

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Response – At all times over the advertising period with the exception of public holiday and the weekends a land and property officer was available to answer questions from the public in relation to the proposal. The minimum statutory advertising period for public notice is two weeks. The City chose to advertise the notice for an extended period of more than four weeks to allow for the Christmas public holiday period. Valuation and Quantity Surveyor consultants were available for contact over the advertising period with officers only closed for one week between the Christmas and New Year period.

The Melville City Centre Structure Plan identifies a series of community benefits which are desirable for the precinct. These were highlighted and presented to Council in P20/3890 Melville City Centre Land Exchange Ordinary Meeting of Council 8 & 9 December 2020.

Response - Council approved a new Library Cultural Centre within the civic precinct and the existing library has reached the end of its useful life and will be demolished to make way for the new library cultural centre. The costs associated with the removal of the library and civic square will be incurred by Westfield as part of their shopping centre redevelopment. The costs of the new library and cultural centre factor in the temporary removal of the old library via the temporary relocation of the library and staff to the civic building will be incurred by the City and provision has already been made in the city's budget and long term financial plan for these costs. As a result there is no impact or loss of amenity to community as they will still be able to access the library services.

II. OTHER AGENCIES / CONSULTANTS

No engagement is required with external agencies or consultants as part of the Local Public Notice process.

STATUTORY AND LEGAL IMPLICATIONS

The City has legislative requirements to meet in addition to standard property practices. As Such, the Council approved the advertising of the proposed land exchange at the OMC on the 9th December 2020 with Section 3.58 of the Local Government Act 1995.

Section 3.58 (3) of the Act states that:

“A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:

(a) It gives local public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”

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(REC) (ATTACHMENT)**

The key points to note are that:

- The Council has formally considered all submissions made during the public advertising period prior to any decision being made in relation to the disposal.
- The Council can now formally agree to dispose of the property by way of the proposed land exchange as the legislative advertising requirements are fulfilled and all public submissions have been considered.

If Council approves the proposed land exchange, the transaction is to be implemented via:-

1. A Land Exchange Swap Agreement between the City of Melville and Scentre Custodians Pty Limited and AMP Capital Funds Management Limited (being joint owners) setting out the terms and conditions of the disposal and transfer at settlement.
2. A subdivision/boundary realignment application.

The Process Chart provided for the Council's information in Attachment
[PROPOSED LAND EXCHANGE PLAN SEPT 2020](#).

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this process. Whilst the value of the potential land swap may be in the order of \$6 million, the "like for like" land swap would result in a \$Nil balance payment adjustment at settlement. Scentre Group/AMP Capital Funds Management will be liable for stamp duty on the exchange value whilst the City is exempt from stamp duty and will not incur a transfer costs.

The City has made provision for the preparation of the land exchange agreement by its solicitors and has budget up to \$10,000 for this cost. This cost will be shared with Scentre Group/AMP Capital Funds Management paying 50% of this cost by way of reimbursement to the City.

Valuation and Compensation Summary for Replacement of Civic Assets

1. Civic Library
 - a. Replacement Value (Fair Value Insurance) \$3.8M
 - b. Westfield Offer \$2.5M plus the cost of demolition of the library and amphitheatre
2. Air-conditioning Plant
 - a. Replacement Value (QS) \$750K-\$1M
 - b. Westfield Offer \$Nil
3. Demolition of Civic Library and Amphitheatre \$250K at Westfield's cost

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4. Future Rates Revenue from Westfield Garden City expansion
- Current Rates (2020/21) \$4.78M
 - Future Rates (2024/25) Range \$8M to- \$9M

Land Exchange Acquisition:

- Future Community/Commercial Development Site on High Street
- Land Size 3755sqm = Market Valuation - \$5.92M Excluding GST

In addition, the proposed new High Street which Westfield will construct will become a Gazetted road and ceded to the City of Melville after construction is completed and the contractor's defects liability period has expired (i.e. 6 months). The City's Technical Services department has determined that cost of constructing the proposed High Street would be approximately \$3M and this represents a significant community benefit paid by Westfield. Upon the High Street being ceded to the City, the City will bare responsibility for upkeep and maintenance of the High Street and importantly have control over the High Street.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic risks or environmental management implications with this application apart from the following identified:-

1. Should Council decide not to approve the proposed land exchange with Scentre Group/AMP Capital Funds Management, Westfield is likely to proceed with lodging its Development Application based on design without a High Street. This option will entail:-
 - a. No High Street
 - b. Existing Civic Library will stay where it is
 - c. Road to Almondbury Rd will be undergrounded on the existing alignment
 - d. Planned Restaurant precinct will open onto the existing amphitheatre space
 - e. Possible hard cul-de-sac edge to the cinema complex
 - f. Very minor changes to their planned retail layout
2. Should the City decide to progress the proposed new civic library and cultural centre project, the City will forego the \$2.5M in financial compensation from Westfield plus the estimated \$250K cost for demolishing the existing library which Westfield is proposing to pay. The saving is that the City would not have to pay the relocation of the air-conditioning plant which has been estimated to cost up to \$1M.

POLICY IMPLICATION

There are no policy implications as a result of this report.

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may decide not to approve the advertising of the proposed land exchange under Section 3.58 of the LGA 1995.

Under this option it is expected that the shopping centre owners would explore alternative expansion plans that did not involve the creation of the High Street Precinct. Not achieving the High Street precinct would result in a lesser planning outcome for the Activity Centre and a likely sub optimal level of activation and public space between Westfield Booragoon Shopping Centre and the City's land holding. The potential to create a publically accessible space and unique town centre identity in this location would be diminished. Long term this would compromise the functionality and development opportunities for the centre, and result in significantly reduced rate revenue to the City. The current opportunity for the shopping centre redevelopment to substantially contribute to the desired outcomes for the Melville City Centre would be lost.

Certainty in relation to the proposed redevelopment of a new Library and Cultural Centre is also diminished if the High Street precinct works are not progressed. The current proposal secures a strategic site (on the High Street) for the proposed new facility as well as a financial contribution to the new building. Should the boundary re-alignment proposal not proceed, the existing Civic Library is retained. Should the City choose to proceed with a new facility then the offer of compensation towards a new building is not available and the location of the building (in the absence of a High Street) is likely to be less optimal.

CONCLUSION

The straightening of the common boundary between the City's land and Westfield Booragoon provides the opportunity to create a public High Street Precinct in this location. As outlined above, the creation of the High Street responds to the requirements of the Melville City Centre Structure Plan and is significant to transforming the precinct into a true town centre. The current development application for the expansion of Westfield Booragoon provides the opportunity to achieve the High Street precinct. The outcome will ultimately require the finalisation of the land swap described in this report after Council has considered the public submissions.

It is recommended that the Council authorise the Chief Executive Officer to proceed with the next steps in the process which is to arrange for the City's solicitors to prepare the land exchange agreement and to coordinate settlement and transfer of the land parcels upon Westfield receiving approval of its Development Application from the State Assessment Panel.

The final draft land exchange agreement will be presented to Elected Members at a briefing and then brought back to Council for approval prior to signing and execution.

**P21/3897 – SUBMISSIONS REPORT MELVILLE CITY CENTRE LAND EXCHANGE
(REC) (ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3897) APPROVAL

At 7:56pm Cr Macphail moved, seconded Cr Robartson –

That the Council:

- 1. Notes and considers the public submissions detailed in this report and the City's responses; and**
- 2. Approves the proposed land exchange as outlined in this report with the CEO directed to arrange for the City's solicitors to prepare the final draft land exchange agreement and present it to Elected Members at a briefing and then brought back to Council for final approval prior to be signed and executed.**

At 8:15pm the Mayor declared the motion

CARRIED (8/3)

Yes	8	Cr Clive Robartson, Cr Duncan Macphail, Cr Glynis Barber, Cr Karen Wheatland, Cr Katy Mair, Cr Margaret Sandford, Cr Tomas Fitzgerald, Mayor Gear
No	3	Cr June Barton, Cr Steve Kepert, Cr Nicholas Pazolli

ATTACHMENTS

- 1. PUBLIC SUBMISSIONS RECEIVED**
- 2. PROPOSED LAND EXCHANGE PLAN SEPT 2020**

At 7:56pm Cr Barton left the meeting and returned at 7:59pm.

At 7:57pm Ms Wright left the meeting and returned at 7:57pm.

At 7:58pm Cr Mair returned to the meeting 7:58pm.

At 7:56pm Cr Barber left the meeting and returned at 7:58pm.

At 7:56pm Cr Wheatland left the meeting and returned at 7:59pm.

At 7:56pm Cr Pazolli left the meeting and returned at 7:58pm.

At 7:57pm Cr Sandford left the meeting and returned at 7:59pm.

At 8:15pm Mr Rae left the meeting and did not return.

An Officer Amendment was provided on this item – [3898 Officer Amendment Control of Short Stay Accommodation](#)

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Ward	:	All
Category	:	Local Planning Framework
Application Number	:	Not Applicable
Property	:	Not Applicable
Proposal	:	Draft Local Planning Scheme amendment and Local Planning Policy response to the control of short stay accommodation.
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	:	Nil
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 (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>

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Use of dwellings for short stay accommodation is becoming more common. Existing legislation provides little guidance with regard to management of the activity.
- The Council may wish to consider options to control the impacts of these activities and/or provide guidance on suitable locations.
- Options to manage short stay accommodation include:
 - The use of rules such as Local Laws to regulate activities and control impacts.
 - The use of the land use planning framework to identify suitable locations and to control impacts
- A response is proposed to regulate short stay accommodation through the local planning framework. The response comprises:
 - a Local Planning Policy which clarifies the need for planning approval and identifies development controls and locational criteria;
 - a scheme amendment to formalise land use definitions and land use permissibility;
 - Incorporation of similar initiatives into the review of the Canning Bridge Activity Centre.
- Approval of the proposed planning response is recommended.

BACKGROUND

Short term home sharing platforms such as Airbnb and Stayz have provided increased opportunities for property owners to offer all or part of their property for short term accommodation. The City's inner metropolitan location and high amenity contributes to demand for short term accommodation. COVID impacts, such as reduced demand for student accommodation may also be contributing to property owners exploring other rental opportunities.

Increased use of residential property for short stay accommodation has flagged concerns such as increased noise, parking issues, anti-social behaviour and strata issues. Questions have emerged as to the suitability of legislation to respond to these emerging issues.

Land Use Implications:

State and local land use legislation offers limited guidance concerning the management of short term rental accommodation. Land uses within Local Planning Schemes are governed by the deemed provisions contained within the Planning and Development (Local Planning Schemes) Regulations 2015. The land uses outlined in the deemed provisions are not well suited to the concept of sharing all or part of a standard dwelling for short term accommodation. Certain types of short term accommodation are well defined as constituting separate uses classes (e.g. bed and breakfast). Other short term accommodation models such as short term home sharing (all or partial) are not specifically defined as a different use class. This situation has contributed to an interpretation that the activity does not constitute a change of use. That is the land use of renting out a dwelling for accommodation purposes for a short term (for example less than three months) is treated the same as renting out a dwelling for a longer period (for example more than three months). This interpretation is shared by a number of Local Governments including City of Fremantle.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

The issue of short stay accommodation was the subject of a Parliamentary Enquiry, "Levelling the Playing Field – Managing the impact of the rapid increase of Short-Term rentals in Western Australia", tabled 26 September 2019.

[https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/42EE6EB7C8AF9C454825847E000FDA9D/\\$file/SSA%20Report%20-%20FINAL%20-%20Online%20version%20with%20cover.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/42EE6EB7C8AF9C454825847E000FDA9D/$file/SSA%20Report%20-%20FINAL%20-%20Online%20version%20with%20cover.pdf)

The enquiry arrived at a number of findings and recommendations. In terms of regulation and management of short term accommodation from a local government perspective, the following findings are noted:

- Existing land uses definitions relating to short term accommodation are inconsistent and dated
- Local planning schemes, local planning policies and local laws offer flexibility for effective control
- There is no consensus amongst local governments about the best regulatory mechanisms for short stay accommodations
- Strata title by-laws provide an opportunity for owners to regulate short term accommodation use within their jurisdiction, and not the Local Government through local laws or planning approval requirements.
- A state wide register of short stay accommodations would assist with monitoring, regulatory response and enforcement

The enquiry included a series of recommendations. Recommendations regarding changes to state legislation to enhance consistency in land use definitions and to provide guidance on regulation of short term accommodation are yet to be implemented.

The enquiry also noted a draft options paper from the Department of Planning, Lands and Heritage. The paper recognised shortcomings of existing land use definitions and proposed new standardized definitions in the Local Planning Schemes Regulations. These draft definitions are designed to cover all forms of short term accommodation and respond to all dwelling types and short stay under the R-Codes. The definitions are draft and not adopted:

Draft Local Planning Schemes Regulations Definitions

Land Use/Accommodation Type	Definition	Comment
Hosted Accommodation	A portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment	New definition
Holiday House	A single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast	Existing Definition in Regulations

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Holiday Accommodation	1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation	Modification of existing definition in Regulations
Holiday Apartment	A multiple dwelling that is used to provide short term accommodation.	New definition

Regulatory Approaches:

Limited guidance from legislation has resulted in emergence of two distinct options to the control and regulation of short term accommodation:

Local Laws: The first approach involves the interpretation that the use of a dwelling for short term accommodation does not constitute a change in land use. Instead the activity is recognised and regulated through mechanisms such as Local Laws. Under this approach the Local Law may require registration of the activity and stipulate controls aimed at minimizing impacts (stay length, parking requirements, noise control etc.). The use itself is not subject to assessment and it is permitted as long as the relevant controls are adhered to. As noted, the City of Fremantle regulates short stay accommodation under this approach.

Planning Response: Involves an interpretation that short stay accommodation is a different land use that requires development approval. The approach generally involves introduction of land use classes in the local planning scheme to categorize short term home sharing land uses and to distinguish the activity from standard residential land uses. These interventions often relate to local government areas which include tourist destinations where impacts of short term shared accommodation have been more pronounced.

City of Melville

In keeping with the content of the deemed provisions in the Planning Regulations, Local Planning Scheme 6, does not identify short stay home sharing as a separate use class. Land uses such as serviced apartments and bed and breakfast are identified in the scheme and the level of permissibility is defined. As above, the interpretation has been, that in the absence of a specific use class for short term accommodation, short stay home sharing has from a land use viewpoint, been treated the same as a typical residential use. Impacts associated with short stay accommodation (noise, parking etc.) have been responded to as they would be for a typical residential use.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**Development Control Opportunities**

As outlined above the Parliamentary Enquiry into Short Stay Accommodation had recognised emerging issues associated with the control of short stay home sharing operations. The report indicated a number of actions to be taken to provide additional clarity and guidance for local government in relation to the management of short stay accommodation. It was expected that these actions would provide a sound foundation for local governments to determine a suitable response to the growing short stay accommodation industry. These actions have not progressed. In these circumstances local government will need to progress control responses independently.

A recent State Administrative Tribunal decision (SAT Case WASAT 75 (2019) Kogon and City of Vincent) explored issues associated with a particular short term residential application. This matter related to an application for review of the Council's refusal of a development application to use a single dwelling in the City of Vincent for the purposes of short term accommodation. The application for review was dismissed by the SAT. Key outcomes from the SAT determination which may inform the City's future response to short term accommodation include:

- Determination that in this case the short term residential use was a use different to standard residential accommodation.
- That the commercial nature of the short term residential use may contribute to adverse impacts on amenity.
- The operation of a local planning policy cannot require planning approval for a use not listed under the scheme. The requirement for planning approval arises if the use is determined to be a use not listed under the scheme.
- A local planning policy may provide guidance as to in what circumstances a short term accommodation use may be suitable and to provide criteria aimed at minimizing impacts of the use.

Summary

The existing legislative framework provides limited guidance regarding the control of short term residential accommodation. Should Council seek to further control the operation of short term accommodation, the options largely fall into the category of:

- Registration and control of potential impacts via Local Laws; or
- Control of potential impacts and location of uses through the planning system

DETAIL

A land use planning response is proposed to provide additional control of short term residential accommodation. In addition to being able to introduce controls to manage potential impacts, a land use planning response is able to provide a more sophisticated approach to the identification of suitable locations for short term residential accommodation.

The first step in considering options for additional planning control of short term accommodation is a decision as to whether the use is to be regarded as a use which is different to standard residential accommodation. SAT Case WASAT 75 (2019) took the view that in the application the subject of the review, that short term residential accommodation was a different land use. This interpretation, whilst not binding, could inform a City of Melville response.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Based on the interpretation short term residential accommodation is a separate land use, a dual response is proposed to provide immediate and longer term recognition and control of short term accommodation:

Immediate Response – in the first instance a Local Planning Policy is recommended to provide clarification that the City's position is that short term accommodation is land use different to standard residential and accordingly is a use that requires planning approval. The need for planning approval would be based on the short term accommodation use being determined to be an unlisted use under the LPS 6. In addition to clarifying the need for planning approval the LPP could also include guidelines as to the circumstances in which a short term accommodation use may be suitable, and to provide criteria aimed at minimizing impacts of the use.

Longer Term Response – a longer term response would involve initiation of a scheme amendment to introduce a use class into the scheme specifically to deal with short term accommodation. The use class would then be assigned levels of permissibility across different zones within the scheme. The LPP would supplement the scheme controls by providing guidelines on the circumstances where a short term accommodation use may be suitable and to provide criteria aimed at minimizing impacts of the use.

The response to short term accommodation in residential areas would need to have regard to the existing planning control on similar uses such as bed and breakfast and serviced apartments and to the level of permissibility allocated to a range of non-residential uses such as consulting rooms, home businesses and child care.

Bed and Breakfast

The Bed and breakfast land use is defined as a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast. LPS 6 defines bed and breakfast as a distinct use class. In terms of land use permissibility, LPS 6 designates bed and breakfast as an 'A' use (discretionary use, requires advertising) in Residential and Mixed Use Zones and a 'D' use (discretionary use) in Centre zones. Additional guidance on the location and operation of bed and breakfast uses is provided in LPP1.13. This Policy identifies residential areas potentially more suited bed and breakfast uses and characteristics of those properties which may not be well suited. The LPP also establishes criteria regarding number of occupants, car parking and the need for a management plan.

Serviced Apartment

The serviced apartment land use is defined as a group of units or apartments providing –

- (a) Self-contained short stay accommodation for guests; and
- (b) Any associated reception or recreation facilities.

In terms of land use permissibility, LPS 6 identifies serviced apartments as a 'D' use (discretionary use) across the Residential, Centre and Mixed Use zones.

In terms of comparing the potential impacts of short term residential accommodation to the use classes of *bed and breakfast* and *serviced apartments* the following is noted:

- Bed and breakfast has many similar characteristics to short term residential accommodation. The fact that the accommodation is hosted provides a degree of control over the potential impacts although the act of providing breakfast itself involves a degree of commerciality.

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- Serviced apartments may have similar characteristics to short term residential accommodation, although the potential existence of reception/recreation facilities and the grouping of premises suggest a more intensive/commercial operation.

In general terms, the potential impacts on amenity associated with a short term residential accommodation land use are likely to be between that of a bed and breakfast and a serviced apartment. A proportionate development control response is recommended accordingly. In terms of use class permissibility it is proposed that short term residential accommodation be identified as a use which is not permitted in Residential, Centre or Mixed Use zones unless the Council has exercised its discretion to grant development approval (an 'A' use). Additional guidance as to the circumstances where a short term residential accommodation use may, or may not be supported, together with criteria to reduce impacts is recommended via the LPP.

Discussion on a planning response to short term accommodation and a differentiation between standard residential accommodation will require clarification of the definition associated with the short term sharing/renting of a dwellings or portion of a dwelling. Hosted short term accommodation, where breakfast is served is already defined under LPS 6 (bed and breakfast). Short term accommodation in apartments with associated reception/recreation areas is defined under LPS 6 as serviced apartments. Short-term accommodation itself is defined under the general definitions in LPS 6 and the Planning Regulations as, "temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any twelve month period". Existing land use definitions in the Planning Regulations do not adequately address the current range of short term accommodation activities. A new definition or definitions will be required to capture the range of short term accommodation types. As noted land use categories in local planning schemes are controlled through the Local Planning Schemes Regulations. A customised definition is unlikely to satisfy the standardisation requirements of the Planning Regulations. Accordingly in responding to the need to control the land use of short term accommodation, it is recommended that the City use a combination of existing definitions under the Planning Regulations and the draft definitions prepared by the Department of Planning Lands and Heritage on the matter:

Hosted Accommodation	A portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment
Holiday House	A single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast
Holiday Accommodation	1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation
Holiday Apartment	A multiple dwelling that is used to provide short term accommodation.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

The proposed approach is outlined in more detail below.

Local Planning Policy

A draft LPP is proposed to:

- a) Clarify the position that short term residential accommodation is a land use different to standard residential and accordingly is a use that requires an application for planning approval
- b) Provide guidance as to the circumstances a short term accommodation use may be suitable and to provide criteria aimed at minimizing impacts of the use

Key components of the draft LPP are described below:

<i>Land Use:</i>	Definition of land use and clarification of need for planning approval
<i>Site Characteristics:</i>	Identification of preferred and undesirable property locations to guide decision making. In summary locations within or close to mixed use centres are indicated as preferred. Properties involving shared access or within a strata are identified as not preferred.
<i>Number of Persons:</i>	A limit of six people is identified to control scale of the use
<i>Car Parking:</i>	Parking to meet R-Code requirements and not be reliant on street or verge parking
<i>Site Management:</i>	Need for a site management plan at DA stage is noted. Management plan is to include code of conduct regarding behaviour, complaints management, control of noise and anti-social behaviour, check-in arrangements, parking management, waste management and compliance with strata requirements
<i>Public Consultation:</i>	Guidance on required engagement with neighbours and strata body. For strata developments, requirement for applicant to demonstrate compliant with strata rules applicable to the subject property.

A copy of the draft LPP is attached:

[3898 Draft LPP Short Stay Accommodation](#)**Amendment to LPS 6**

The LPP will provide prompt ability to clarify that short term residential accommodation is a use which requires planning approval. Initially this trigger for approval will be based on the land use being interpreted as a “use not listed”. Mechanisms exist in LPS 6 (and Activity Centre Plans) to require unlisted uses to be subject to planning applications and assessment. The proposed amendments to LPS would standardise this requirement for planning approval and establish the permissibility of the use across different zones. The proposed amendment comprises the following components:

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)
Definitions:

The first component of the proposed scheme amendment relates to the establishment of the following new use classes and definitions. The use classes proposed align with existing definitions in the Planning and Development (Local Planning Schemes) Regulations and draft definitions prepared by the Department of Planning, Lands and Heritage for inclusion in those Regulations:

Hosted Accommodation	A portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment
Holiday House	A single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast
Holiday Accommodation	1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation
Holiday Apartment	A multiple dwelling that is used to provide short term accommodation.

Use Class Table:

Inclusion of the use classes in the Zoning Table of LPS 6 with each of the types of short term accommodation being designated an A use in Residential, Centre and Mixed Use zones. The 'A' use designation establishes that the use requires public consultation and that the use is not permitted unless the Council has assessed the impacts of the application and exercised its discretion to approve the use. The 'A' use designation allows proposal to be considered on their merits and reflects the objectives of the residential zone to provide for a range of complementary and compatible land uses. The designation reflects consistency with the land use permissibility approach for other non-residential uses such as bed and breakfast, serviced apartments, home businesses and consulting rooms.

USE AND DEVELOPMENT CLASS	Residential	Centre C1	Centre C2	Centre C3	Centre C4	Mixed Use	Service Commercial	Light Industry	Private clubs and institutions and places of public worship	Urban Development
Hosted Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Holiday House	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Apartment	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

Activity Centre Plans

The proposed amendments to LPS 6 to establish a uses class and to identify permissibility in different zones will not apply to areas subject to Activity Centre Plans (ACPs). The draft LPP will however clarify that within ACPs the use of land for short term residential accommodation is a different use class and will require assessment of an application for planning approval. The LPP will also assist by establishing locational and development control criteria to guide assessment of development applications.

To secure additional planning control in areas subject to ACPs it is recommended that the approach proposed for LPS 6 (to introduce the new use class and establish its permissibility levels in different zones) be applied to the ACPs. The priority would be the Canning Bridge Activity Centre Plan (CBACP), with other ACP's updated via periodic review.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**Canning Bridge Activity Centre Plan:**

The approach to land use permissibility in the CBACP is to identify “preferred uses”. Uses not identified in the CBACP as “preferred” are deemed to be not permitted unless the decision maker is satisfied that the use is consistent with the relevant Desired Outcomes for the relevant Quarter. Adoption of the proposed LPP will clarify that short term residential accommodation is a use distinct from standard residential. In the short term, this will make it clear that such uses are to be dealt with as use not listed (requiring a planning application and assessment against the Desired Outcomes and the proposed LPP). It is noted that the Desired Outcomes for Q1 and Q2 (portions of the CBACP within the City of Melville) indicate that the Residential zones (H4 and H8) are to remain as “residential only”. In summary, adoption of the proposed LPP will clarify that short term residential accommodation is not a preferred use in the H4 and H8 zones of the CBACP. There would be options to strengthen this interpretation by amending the CBACP to:

- include the definition of short term residential accommodation; and
- stipulate the level of land use permissibility across the different zones (such as listing short term residential accommodation as a preferred use in M10 and M15 and not a preferred use in H4 and H8).

A separate amendment to the CBACP is not recommended at this time given the interim clarity on land use permissibility which will be provided by the proposed LPP, the advanced stage of the current review and previous Western Australian Planning Commission advice to refrain from independent amendments outside of the current review program. Accordingly it is recommended that these actions be pursued in the current review of the CBACP.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

This item seeks Council’s consideration to initiate a draft LPP and an amendment to LPS 6. Each proposal involves advertising for public comment. A public advertising period of 21 days is required for the LPP. A period of 42 days is required for the scheme amendment.

II. OTHER AGENCIES / CONSULTANTS

Government servicing agencies will be required to be notified of the initiation of the scheme amendment.

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.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Planning and Development (Local Planning Schemes) Regulations establishes the approval process and advertising requirements for amendments to LPS 6. The amendment would need to be initiated by Council, advertised for public comment, submissions considered and then a recommendation forwarded to the WAPC. In this case the proposed amendment is assessed to be a “standard” amendment.

FINANCIAL IMPLICATIONS

Establishment of the need for planning approval for short term accommodation will apply to any existing or proposed short term accommodation uses. A compliance response will be required enforce the new approach and assess the development applications. The compliance response and associated assessment and determination of development applications will involve additional demand on resources.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed planning response to short term residential accommodation responds to the purposes and aims of LPS 6 particularly in relation to the guiding and controlling of development. It is noted that the role of the Scheme with respect to residential areas includes the need to enhance the character and amenity of residential areas whilst also providing for a range of compatible and complementary non-residential uses. This position notes the importance of protecting the amenity of residential areas whilst acknowledging the role of appropriate non-residential uses in contributing to vibrancy, access to services and support for the economy and tourism.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Inability of planning framework to respond to increase in short term residential accommodation leads to adverse impacts and loss of amenity in residential areas.	Moderate consequences which are possible, resulting in a Medium level of risk	Clarify that short term residential accommodation is a use requiring planning approval and establish criteria relating to the control of development.
Planning response to short term accommodation viewed as overly restrictive by decision makers (WAPC, SAT, JDAP).	Moderate consequences which are possible, resulting in a Medium level of risk.	The proposed planning response is proportionate to the anticipated impacts and in keeping with the objectives of the Scheme.
Planning response to short term accommodation viewed as overly restrictive by existing and potential operators.	Moderate consequences which are possible, resulting in a Medium level of risk.	The proposed planning response is proportionate to the anticipated impacts and in keeping with the objectives of the Scheme. The approach enables applications to be assessed on their merits based on impacts (as opposed to prohibition).

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternative options to respond to the control of short term residential accommodation are discussed below:

Possible Alternative LPP Content	Implications	Comment
Take no action and maintain the current land use interpretation that short term accommodation does not represent a change of use from standard residential.	<ul style="list-style-type: none"> • Would not provide opportunity for the City to assess the potential impacts of short term accommodation. • Reduced abilities for the City to intervene should short term accommodation uses be found to be causing adverse impacts 	<ul style="list-style-type: none"> • It is recommended that Council take the opportunity to provide additional guidance and control of short term residential accommodation. Options would include mitigation of impacts of short stay accommodation through an approach such as Local Laws or a planning based approach which includes control of specific impacts as well as providing guidance on suitable locations.
Maintain current position that short stay accommodation does not represent a change of land use, however introduce Local Law to register uses and provide controls on occupancy, length of stay, parking, noise, complaint management.	<ul style="list-style-type: none"> • Flexible approach which provides opportunity to manage potential impacts. 	<ul style="list-style-type: none"> • Similar to a land use planning response, however, potentially less ability to provide guidance on suitable locations. • Additional risk as control of potential impacts in sensitive locations would be solely reliant upon the management of the Local Law.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Possible Alternative LPP Content	Implications	Comment
<p>Consideration of more restrictive controls on the location of short term residential accommodation. Measures may include stipulating that the land use is not permitted in residential zones.</p>	<ul style="list-style-type: none"> Controls on short term accommodation would need to have regard to the objectives for the Residential zones throughout the City and to note the existing approach to land use permissibility for other non-residential uses in residential areas. For example, existing uses with comparable level of potential impact and intensity such as bed and breakfast and serviced apartments are designated A and D uses respectively in residential zones. This classification enables the merits of a particular proposal to be assessed against the planning framework, with an approval granted only where a use is determined to meet the requirements. Prohibiting short term residential accommodation in residential areas, without the option of an assessment of the impacts and/or merits of the proposal may be determined to be overly restrictive. 	<ul style="list-style-type: none"> The proposed approach (to clarify that planning approval is required for short term accommodation and to introduce locational and assessment criteria) enables short term accommodation proposals to be assessed on their merits. The approach is consistent to that used for other similar non-residential land uses and suitably robust to ensure that inappropriately located or poorly operated uses will not be approved.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**CONCLUSION**

A planning response to control short term home sharing and rental of dwellings is recommended. The proposed approach is to firstly clarify that short term residential accommodation is a land use which requires planning approval and secondly to identify locational and development control criteria to appropriately regulate the use. A combination of a LPP and an amendment to LPS 6 are recommended to implement the controls. It is further recommended that the current review of the CBACP incorporate the proposed approach to short term residential accommodation.

In terms of amendments to LPS 6, it is proposed to align new land use definitions with those already existing in the Planning and Development (Local Planning Scheme) Regulations and draft definitions prepared by the Department of Planning, Lands and Heritage for inclusion in those Regulations. Customised definitions outside of those envisaged by the Regulations are unlikely to be entertained.

The proposed approach provides for short term residential accommodation land uses to be assessed on their merits. The option to prohibit short term residential accommodation in residential zones is not supported. The recommended approach reflects the objectives of the residential zone to provide for a range of complementary and compatible land uses. The approach is similar to that for other non-residential uses such as bed and breakfast, serviced apartments, home businesses and consulting rooms, and allows proposal to be appropriately managed and an assessment made on their merits/potential impacts.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3898) APPROVAL

At 8:15pm Cr Fitzgerald moved, seconded Cr Wheatland –

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 1.21 “Short Term Accommodation” (Attachment 1 to this Item), for the purposes of public consultation for a period of not less than 21 calendar days.
2. Notes that a further report will be presented to the Council for consideration of submissions and adoption of the Local Planning Policy following the conclusion of the public consultation period.
3. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare and initiate Scheme Amendment No. 10 to Local Planning Scheme No. 6 as follows:
 - a. Establishment of new use classes and definition as follows:

Hosted Accommodation	Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment
Holiday House	Means single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast
Holiday Accommodation	Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation
Holiday Apartment	Means a multiple dwelling that is used to provide short term accommodation.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

b. Inclusion of the proposed use classes in the Zoning Table of Local Planning Scheme 6 with the following designations:

USE AND DEVELOPMENT CLASS	Residential	Centre C1	Centre C2	Centre C3	Centre C4	Mixed Use	Service Commercial	Light Industry	Private clubs institutions and places of public worship	Urban Development
Hosted Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday House	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

4. Advise the Western Australian Planning Commission that the proposal is considered to be a standard amendment to Local Planning Scheme 6 in accordance with regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - a) The amendment is consistent with the relevant objectives of the Scheme and Local Planning Strategy;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - c) The amendment would have minimal impact on land in the scheme area that is not subject of the amendment.
5. Notes that a further report will be presented to the Council following the completion of the public advertising process for the scheme amendment.
6. Directs that the current review of the Canning Bridge Activity Centre Plan consider the incorporation of suitable provisions to reflect the approach to the control of short term residential accommodation as proposed in the Local Planning Policy and Scheme Amendment described in this resolution.

Amendment**COUNCIL RESOLUTION**

At 8:17pm Cr Sandford moved, seconded Cr Kepert –

That the Council amend the Officers Recommendation to include the following wording at point 2 after the word “submission”

- **“and discussion first at an Elected Members Workshop with the responsible officers to occur as soon as possible prior to further consideration at a meeting of Council**

and the following word after the words “Planning Policy”

- **“and adoption of the Local Planning Policy.”**

And the following words be deleted:

- **“following the conclusion of the public consultation period.”**

At 8:18pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reasons for the Amendment as provided by Cr Sandford

Due to the City having several potentially overlapping planning policies related to short term accommodation it would be useful and save time at the subject OMC for elected members and officers to have a full discussion about the scope of, and interrelationship between, the various policies; and the public submissions, prior to the actual Council meeting, to allow sufficient time for proper analysis and policy development.

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Officer Amendment

COUNCIL RESOLUTION

At 8:19pm Cr Fitzgerald moved, seconded Cr Wheatland –

Add the following additional row to the table in part 3 (b) of the Recommendation

Holiday Apartment	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
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At 8:19pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Amendment

COUNCIL RESOLUTION

At 8:29pm Cr Sandford moved, seconded Cr Pazolli –

That a clause 3 be deleted from the Officer Recommendation.

At 8:30pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Amendment

COUNCIL RESOLUTION

At 8:32pm Cr Pazolli moved, seconded Cr Barton –

That clauses 4 and 5 be deleted from the Officer Recommendation and clause 6 be renumbered “3”.

At 8:34pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

P21/3898 – CONTROL OF SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**Substantive Motion as Amended****COUNCIL RESOLUTION**

At 8:15pm Cr Fitzgerald moved, seconded Cr Wheatland –

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 1.21 “Short Term Accommodation” (Attachment 1 to this Item), for the purposes of public consultation for a period of not less than 21 calendar days.
2. Notes that a further report will be presented to the Council for consideration of submissions and discussion first at an elected members workshop with the responsible officers to occur as soon as possible prior to further consideration at a meeting of Council and adoption of the Local Planning Policy as may be amended by Council.
3. Directs that the current review of the Canning Bridge Activity Centre Plan consider the incorporation of suitable provisions to reflect the approach to the control of short term residential accommodation as proposed in the Local Planning Policy and Scheme Amendment described in this resolution.

At 8:37pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 8:37pm the Mayor brought forward items:

- Motion on the Table - Cockatoo Vegetation In The Murdoch Precinct
- Late Item from the Governance Committee – M21/5811 Review of the City of Melville
- Motion 16.6 – Motion with Notice, Donation to the Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bush Fire Appeal
- Motion 16.1 – Motion with Notice, Alchera Living – Community Engagement Priority

At 8:37pm Ms Newman left the meeting and returned at 8:39pm.

At 8:39pm Cr Robins entered the meeting.

At 8:39pm Cr Barber left the meeting and returned at 8:41pm

Motion On The Table - Cockatoo Vegetation In The Murdoch Precinct from the December 8, 2020 Ordinary Meeting of Council

Extract from the Minutes of the Ordinary Meeting of Council held 8 and 9 December 2020

At 8:43pm Cr Fitzgerald moved, seconded Cr Mair –

That Council:

- 1. Notes the significance of the Murdoch Precinct as a 'super-roose' for the Carnaby's Black Cockatoo and Forest Red-tailed Black Cockatoo, due to the abundance of nesting and foraging habitat.**
- 2. Notes the proposed development for the area, with the Murdoch Specialist Activity Centre and Murdoch University undergoing significant expansion.**
- 3. Requests the Chief Executive Officer to investigate further opportunities to increase native vegetation in the suburbs surrounding the Murdoch Specialist Activity Center, specifically vegetation identified as foraging habitat for Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoos.**

Procedural Motion

COUNCIL RESOLUTION

At 8:46pm Cr Woodall moved, seconded Cr Kepert

That the motion lay on the table.

At 8:46pm the Presiding Member declared the Motion

CARRIED UNANIMOUSLY (9/0)

COUNCIL RESOLUTION

At 8:40pm Cr Robins moved, seconded Cr Fitzgerald

That the motion resolved to lay on the table at the Ordinary Meeting of Council held 8 and 9 December 2020 "Cockatoo Vegetation In the Murdoch Precinct" now be placed on the table for discussion.

At 8:41pm the Presiding Member declared the motion

CARRIED UNANIMOUSLY (12/0)

Motion On The Table - Cockatoo Vegetation In The Murdoch Precinct from the December 8, 2020 Ordinary Meeting of Council

At 8:41pm Cr Fitzgerald and Cr Mair withdrew their moving and seconding of the motion to allow Cr Robins to present the motion.

Motion

At 8:42pm Cr Robins moved, seconded Cr Fitzgerald –

That Council:

- 1 Notes the significance of the Murdoch Precinct as a ‘super-roost’ for the Carnaby’s Black Cockatoo and Forest Red-tailed Black Cockatoo, due to the abundance of nesting and foraging habitat.**
- 2 Notes the proposed development for the area, with the Murdoch Specialist Activity Centre and Murdoch University undergoing significant expansion.**
- 3 Requests the Chief Executive Officer to investigate further opportunities to increase native vegetation in the suburbs surrounding the Murdoch Specialised Activity Centre, specifically vegetation identified as foraging habitat for Carnaby’s Black Cockatoo and Forest Red-Tailed Black Cockatoos.**

At 8:54pm during discussion and debate the the mover and the seconder consented to the deletion of the words in point 3 “surrounding the Murdoch Specialised Activity Centre”, and replaced with the words “throughout the City of Melville”.

COUNCIL RESOLUTION

At 8:42pm Cr Robins moved, seconded Cr Fitzgerald

That Council:

- 1. Notes the significance of the Murdoch Precinct as a ‘super-roost’ for the Carnaby’s Black Cockatoo and Forest Red-tailed Black Cockatoo, due to the abundance of nesting and foraging habitat.**
- 2. Notes the proposed development for the area, with the Murdoch Specialist Activity Centre and Murdoch University undergoing significant expansion.**
- 3. Requests the Chief Executive Officer to investigate further opportunities to increase native vegetation in the suburbs throughout the City of Melville, specifically vegetation identified as foraging habitat for Carnaby’s Black Cockatoo and Forest Red-Tailed Black Cockatoos.**

At 8:56pm the Presiding Member declared the motion

CARRIED (11/1)

Yes	11	Cr Clive Robartson, Cr Duncan Macphail, Cr Glynis Barber, Cr June Barton, Cr Karen Wheatland, Cr Katy Mair, Cr Margaret Sandford, Cr Nicholas Pazolli, Cr Nicole Robins, Cr Tomas Fitzgerald, Mayor Gear
No	1	Cr Steve Kepert

Motion On The Table - Cockatoo Vegetation In The Murdoch Precinct from the December 8, 2020 Ordinary Meeting of Council**Reasons for the Motion as provided by Cr Robins**

The Murdoch Precinct is one of several 'super-roosts' for the Carnaby's Black Cockatoo due the abundance of foraging habitat, including pine trees, providing ample sustenance for local populations.

It is therefore a strategic location for the survival of the Carnaby's Black Cockatoo, which is classified as an endangered species under Commonwealth legislation and is specifically protected fauna in Western Australia.

Whilst the planning for the precinct, including the Murdoch Activity Structure Plan, has generally considered the conservation aspects and proposed impact to the Carnaby's Black-Cockatoo, it should be recognised that it takes many years for vegetation to mature and provide adequate support to local cockatoo populations.

I believe the City of Melville should investigate opportunities as a matter of a priority to plant ample native vegetation in the precinct to compliment any plantings at the Murdoch Specialised Activity Centre and Murdoch University to ensure local populations have sufficient vegetation.

The City is already undertaking valuable work to help these birds, including through our Urban Forest Strategy and the Piney Lakes Carnaby's Cockatoo Restoration Project. We should however look now to identify further opportunities to provide more habitat in our public open spaces, City reserves and on our verges, to allow time for the vegetation to mature.

At 8:57pm Cr Robins left the meeting and did not return.

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : City of Melville
 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 : 9.1 Motion – Review of the City of Melville - Governance Committee Meeting held 8 February 2021
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Marten Tieleman
 Chief Executive Officer

AUTHORITY / DISCRETION

DEFINITION

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

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- To advise the Council of a motion presented and endorsed by the Governance Committee at its meeting held 8 February 2021.
- To seek Council approval to commence the process to engage independent consultants to undertake a Review of the City of Melville, with the selection of the consultant to be presented to the April 2021 Ordinary Meeting of Council.

BACKGROUND

At the meeting of the Governance Committee held 8 February 2021, the Mayor presented a motion to the Committee for consideration.

DETAIL

The Governance Committee resolution that was unanimously supported was that:

“The Governance Committee recommends that the Council authorise the CEO to begin the process of advertising for independent consultants to conduct a review of the City of Melville consistent with the draft terms of reference circulated by the Mayor to all elected members on Saturday the 30th of January 2021.

The time frame should allow for the finalisation of the selection process at the April 2021 Ordinary Meeting of Council.”

The draft terms of reference provided by the Mayor to the Governance Committee with his motion [5811 Draft Terms of Reference](#).

The need for an organisational review has been subject of discussions between the Mayor and CEO at their weekly meetings. The CEO and Mayor are in agreement that it is timely to conduct an organisational review with the City having completed the reviews of the Strategic Community Plan and the Corporate Business Plan and with the current review of the Long Term Financial Plan.

As part of this review it will be necessary to review services and service levels to ensure that the organisation is appropriately structured and resourced to meet the desired outcomes determined by the community and the Council. A review will also ensure that the organisation is capable of meeting service level demands and is positioned to meet new and emerging service and legislative demands.

Given the tight timeframe, should the Council support the Governance Committee recommendation including the consideration of a recommended consultant at the April Ordinary Meeting of Council, it is proposed that the CEO in conjunction with the Mayor would finalise the scope of works. A draft scope of works would be circulated to Elected Members for comment.

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No community consultation has been undertaken in relation to this matter.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants has been undertaken in relation to this matter.

STATUTORY AND LEGAL IMPLICATIONS

The CEO is responsible for the day-to-day management and operations of the City, including the appointment of suitable staff and the management of resources in accordance with the s5.41 of *Local Government Act 1995*.

The organisational review will provide recommendations relating to the organisational structure to meet the day-to-day operations and long term strategic direction of the City.

FINANCIAL IMPLICATIONS

A budget allocation for this review will be subject to a budget amendment which will need to be approved by the Council.

The recent Mid-Year Review (to be presented to the Council in March 2021) has identified a budget surplus, which would be available to fund the costs associated with the Organisational Review.

The budget implications and proposed budget amendment will be included in the report to be tabled at the April Ordinary Meeting of Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

An Organisation Review is the next logical step in ensuring the City's organisation structure is well placed to deliver the objectives outlined in the Strategic Community Plan, the Key Focus Areas of the Corporate Business Plan and the Operating and Capital requirements articulated in the Long Term Financial Plan.

The purpose of this review would be to assist the Council and the CEO mitigate any risks associated with the delivery of the community outcomes identified through the City's integrated planning framework.

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Council Policy CP-023 Procurement Policy relates procurement activities and prescribes the process that the City follows based on the procurement/contract value.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could consider the scope of works at the March Ordinary Meeting of Council however, given the desire to appoint a consultant at the April meeting this would not provide sufficient time to advertise and prepare a shortlist for Council consideration.

CONCLUSION

The CEO and Mayor are in agreement that it is timely to conduct this organisational review. The recommendation from the Governance Committee seeking to engage independent consultants to undertake a review of the City of Melville in accordance with Terms of Reference as proposed by the Mayor is supported.

This report seeks the approval of the Council to commence this process.

COMMITTEE RECOMMENDATION (5811)**APPROVAL**

At 8:58pm Cr Pazolli moved, seconded Cr Barber –

That the Council:

1. authorise the CEO to begin the process of advertising for independent consultants to conduct a Review of the City of Melville consistent with the 5811 Draft Terms of Reference circulated by the Mayor to all elected members on Saturday the 30th of January 2021.
2. note the time frame should allow for the finalisation of the selection process at the April 2021 Ordinary Meeting of Council.

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)

At 8:58pm Cr Wheatland left the meeting and returned at 9:00pm.

At 9:04pm Mr Ferris tabled a document relating to the timeline of the [5811 Scope of Works](#) associated with this recommendation

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5811)**APPROVAL**

At 8:58pm Cr Pazolli moved, seconded Cr Barber –

That the Council:

1. **authorise the CEO to begin the process of advertising for independent consultants to conduct a Review of the City of Melville consistent with the [5811 Draft Terms of Reference](#) circulated by the Mayor to all elected members on Saturday the 30th of January 2021.**
2. **note the time frame should allow for the finalisation of the selection process at the April 2021 Ordinary Meeting of Council.**

At 9:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

16.6 Motion with Notice - Donation to Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire Appeal 2021

Motion

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

That the Council:

- 1. authorise the Chief Executive Officer make a donation to the Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire Appeal 2021 on behalf of the community of the City of Melville for the amount of \$50,000.**
- 2. increase Disaster Relief Account (100.25299.7900.000) by \$44,950.00 and decrease the CEO's Special Project Account (100.26419.7550.000) by \$44,950.00**

At 9:11pm the Mayor vacated the Chair, to participate in the discussion and debate.

At 9:11pm the Deputy Mayor assumed the Chair.

Amendment

At 9:11pm Pazolli moved, seconded Cr Kepert –

That the amount of the donation to the Lord Mayor's Distress Relief Fund be reduced to \$20,000.

At 9:21 pm the Deputy Mayor declared the motion

LOST (4/7)

Yes	4	Cr Duncan Macphail, Cr Glynis Barber, Cr Steve Kepert, Cr Nicholas Pazolli
No	7	Cr Clive Robartson, Cr June Barton, Cr Karen Wheatland, Cr Katy Mair, Cr Margaret Sandford, Cr Tomas Fitzgerald, Mayor Gear

At 9:18pm Mr Ferris left the meeting and returned at 9:21pm.

Motion

COUNCIL RESOLUTION

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

That the Council:

- 1. authorise the Chief Executive Officer make a donation to the Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire Appeal 2021 on behalf of the community of the City of Melville for the amount of \$50,000.**
- 2. increase Disaster Relief Account (100.25299.7900.000) by \$44,950.00 and decrease the CEO's Special Project Account (100.26419.7550.000) by \$44,950.00**

At 9:23pm the Deputy Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (11/0)

16.6 Motion with Notice - Donation to Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire Appeal 2021**Reasons for the Motion Without Notice as provided by the Mayor**

1. An out of control fire started in Wooroloo on February 1 and raged across Perth's north-eastern suburbs, destroying homes and threatening lives. There are reports, at this time of this motion, in excess of 85 homes have been lost.
2. The Lord Mayor's Distress Relief Fund (LMDRF) is Western Australia's official State emergency fund. The fund is used to raise and coordinate donations to support the victims of natural disasters occurring within the State.
3. The LMDRF was established in 1961 in conjunction with the State Government to provide financial assistance to individuals for the alleviation and relief of distress, suffering and personal hardships, brought about by any disaster or emergency within Western Australia declared by the Western Australian Government or for which the LMDRF Board considers assistance is warranted.
4. City of Perth administers the LMDRF. All administration costs are wholly absorbed by the City of Perth, so 100 per cent of all funds raised go directly to those in need. The Lord Mayor's Distress Relief Fund has now been activated to assist victims of the bushfires in the affected local government areas.
5. The LMDRF will reach out to the affected Local Governments and work with them to get application forms out as quickly as possible. The Fund will work with the affected local governments and the State Recovery Coordinator to ensure money is disbursed directly to those who need it. All administration costs are absorbed by the City of Perth so 100 percent of funds raised will go directly to those in need.

At 9:23pm the Deputy Mayor, Cr Barton, vacated the Chair.

At 9:23pm The Mayor assumed the Chair.

16.1 Motion with Notice - Alchera Living – Community Engagement

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

That the Council:

- 1. Notes that the City of Melville administration does not support the relinquishment of its Management Order over the portion of Winnacott Reserve 24683 being approximately 494 sqm in size which is currently subject to a temporary access easement granted to Alchera Living Inc. by the City of Melville which expires on 30 September 2022. Further noting that the subject portion of land forms part of the Winnacott Recreation Reserve and is zoned “Public Open Space” under LPS 6 ;**
- 2. Requests the Chief Executive Officer to instruct officers to commence a community engagement process detailing the request by Alchera Living Inc. for the City to relinquish its Management Order over the portion of the Reserve (currently subject to the temporary access easement) to facilitate Alchera’s proposed acquisition of the land parcel in freehold from the State Government;**
- 3. Requests that the Chief Executive Officer Report back to Council on the community engagement feedback and submissions with a final recommendation to Council on whether or not the City should relinquish its Management Order over the portion of the Reserve and the Chief Executive Officer to advise Alchera Living Inc. of Council’s decision; and**
- 4. If Council does not approve the relinquishment of the Management Order, the Chief Executive Office is to extend the term of the temporary access easement to Alchera Living Inc. for a period of time not exceeding the life of the existing “Weeronga Village” residential accommodation situated at 40-44 Worley Street, Willagee, subject to Alchera Living Inc. at its own cost constructing a living wall (along the northern boundary of the access easement adjoining Winnacott Reserve) including substantial community artwork which reflects the cultural and historical significance of the area.**

At 9:38pm the Mayor declared the motion

CARRIED (10/1)

Yes	10	Cr Clive Robartson, Cr Duncan Macphail, Cr Glynis Barber, Cr June Barton, Cr Karen Wheatland, Cr Margaret Sandford, Cr Nicholas Pazolli, Cr Steve Kepert, Cr Tomas Fitzgerald, Mayor Gear
No	1	Cr Katy Mair

16.1 Motion with Notice - Alchera Living – Community Engagement**Reasons for the Motion With Notice as provided by Cr Wheatland**

Alchera Living (Alchera) is a long-term Public Benevolent Willagee landowner and is in the process of revitalising its aging Weeronga village through a comprehensive staged redevelopment. Securing the subject land in Alchera's ownership will facilitate the remaining stages of redevelopment and allow for:

- Safe and convenient vehicular access to basements of future development fronting Winnacott Reserve, as opposed to multiple additional crossovers to Worley Street.
- Investment to be made into upgrading the safety and amenity of the accessway including works for drainage and controlled access gates.
- Additional access for emergency vehicles, which is of paramount importance for the functionality of a retirement village.
- Improved traffic circulation through the site. Additional dwellings through future redevelopments means additional residents and visitors and their vehicles, as well as the increased presence of delivery/service vehicles. By securing the accessway, it provides an additional entry/exit point and alleviates the pressure on the existing main access point.

While Alchera acknowledge the land subject to the acquisition request is reserved for the purpose of recreation, it represents approximately 1% of Winnacott Reserve's area. The granting of the easement acknowledged that the subject land could be used for the purpose of access without causing negative impact on the ongoing functionality and viability of Winnacott Reserve for active and passive recreation. The section of land that is the subject of the easement is located on a narrow embankment and there is a considerable height difference between it and the main area of Winnacott Reserve.

The narrow and steep nature of the embankment close to the boundary of the retirement village did not render it as suitable or practicable to use for any active or passive recreation. The land has also been operating as formalised access (retaining, bitumen, fencing etc.) for the past three years without any known complaints.

Alchera would be pleased to participate in a community consultation process which explores amongst other matters, the opportunity to incorporate a public community art component to the transition area between Alchera and Winnacott Reserve that celebrates the cultural and social values of the local community.

On the basis of the above, Alchera are respectfully requesting the City to provide its in-principle support for the acquisition of the land concerned (held by the State of Western Australia) and its amalgamation into Alchera's adjoining freehold lot.

At 9:38pm the Mayor brought forward items to be dealt with En Bloc:

- M21/5800 - City of Melville Local Government Elections 2021
- M21/5801 -Amendment to Minutes of the Ordinary Meeting of Council Held 15, 22 and 29 September 2020
- M21/5000 - Common Seal Register
- C21/6000-1 - Investment Statements November 2020
- C21/6000-2 - Investment Statements December 2020
- C21/6001-1 - Schedule of Accounts Paid November 2020
- C21/6001-2 - Schedule of Accounts Paid December 2020
- C21/6002-1 - Statements of Financial Activity for November 2020
- C21/6002-2 - Statements of Financial Activity for December 2020
- C21/5806 - Late Item – Supply of Waste Recovery Trucks – for consideration at the Ordinary Meeting of the Council 16 February 2021

M21/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)

Ward	: All
Category	: Operational
Subject Index	: Elections
Customer Index	: Western Australian Electoral Commission
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M19/5662 Ordinary Meeting of Council held 19 February 2019 – City of Melville Local Government Elections 2019
Works Programme	: Not Applicable
Funding	: Budgeted in 2021-2022
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>

M21/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)**KEY ISSUES / SUMMARY**

- The local government elections will be held on 16 October 2021 in accordance with the *Local Government Act 1995*.
- The *Local Government Act 1995* requires that prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the Council must approve by absolute majority;
 - a) the Electoral Commissioner being responsible for the elections and;
 - b) the election being conducted as a postal election.
- This report recommends that the Western Australian Electoral Commissioner conduct the City of Melville 2021 local government election and for the election to be held as a postal election.

BACKGROUND

The last local government election was held on 19 October 2019 and was conducted by postal voting organised by the Western Australian Electoral Commission.

Prior to requesting the Electoral Commissioner to conduct the City of Melville elections in October 2021 there is a requirement under the *Local Government Act 1995* to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken eleven postal elections (in 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017 and 2019), and has found postal elections to elicit greater voter response. The voter response in 2019 achieved 38.1% of enrolled persons compared to a State average of 29.1%.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not required

II. OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation of \$305,000 including GST from the Western Australian Electoral Commission (WAEC) to conduct the 2021 ordinary elections as postal elections.

M19/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)**STATUTORY AND LEGAL IMPLICATIONS**

In accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner must agree to be responsible for the conduct of a postal election. Councils can request the Electoral Commission to conduct the election subject to the adoption of the following two motions by absolute majority;

1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995* that the Electoral Commissioner be responsible for the conduct of the 2021 ordinary elections with any other elections or polls which may also be required; and
2. Decide in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

According to the *Local Government Act 1995* Section 4.20 (2),(3) and (4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 28 July 2019).

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commission (WAEC) has quoted \$305,000 including GST (\$274,500 net of GST) to conduct the City of Melville October 2021 elections. This is an estimate only, and has been based on the following assumptions;

- 72,100 electors
- Response rate of approximately 40%
- Six vacancies
- Count to be conducted at the premises of the City of Melville
- Appointment of a Local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages..

An additional amount estimated to be \$14,420 will be incurred should the City decides to use Australia Post's Priority Service for the lodgement of election packages. The WAEC advises that the use of priority mail does not significantly speed up the delivery of the election packages and therefore the extra cost is not justified.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- any additional postage rate increase by Australia Post
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The WAEC is required by the *Local Government Act 1995* to conduct the local government elections on a full cost recovery basis, therefore the final cost may vary. The WAEC charge all materials at cost and a margin only on staff time.

M19/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)

There will also be additional costs incurred directly by the City of Melville (for salary costs, non statutory advertising and potential legal expenses). These additional costs have been provisionally estimated at \$20,000.

An allocation for these funds will need to be included in the 2021-2022 budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of an election being conducted by the WAEC and having significant problems is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased by the two year cycle of elections that do not allow skill levels of many staff to be maintained to the same level as those of the Electoral Commission. The risk of reduced voter participation for an in-person election is acknowledged from previous results.

There are no Strategic and Environmental Implications.

Risk Statement & Consequence	Level of Risk	Risk Treatment
That a postal election conducted by WAEC being deemed invalid.	Minor consequences which are unlikely, resulting in a Low level of risk	Close liaison with WAEC to ensure all facilities and staffing provided by the City meet the WAEC requirements.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is an alternate option of the Chief Executive Officer conducting the election as the Returning Officer. The election would be an in-person election (i.e. requiring votes to be cast in person at a polling place). This may result in a lower cost but experience has indicated also lower voter participation. Should any issues arise in the election period, there is a potential for the future working relationship of the Chief Executive Officer and Elected Members to be affected.

CONCLUSION

The appointment of the Western Australian Electoral Commissioner brings added expertise and independence to the elections process. The effectiveness and acceptance of a postal election by the community demonstrated by the ongoing greater elector participation supports a continuation of a postal election. It is therefore recommended that the Western Australian Electoral Commissioner conduct the City of Melville 2021 election and for the election to be held as a postal election.

M19/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5800)****ABSOLUTE MAJORITY****That the Council by absolute majority decision and:**

- 1. in accordance with Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may also be required;**
- 2. in accordance with Section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the election will be as a postal election.**

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

**M21/5801 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD 15, 22 AND 29 SEPTEMBER 2020 (REC)**

Ward : All
Category : Operational
Subject Index : Meetings 15 September 2020
Customer Index : City of Melville
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items : Not applicable
Works Programme : Not Applicable
Funding : Not Applicable
Responsible Officer : Corrine Newman
Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**M21/5801 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD 15, 22 AND 29 SEPTEMBER 2020 (REC)****KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 15, 22 and 29 September 2020, the Council considered Item P20/3867 – Submissions Report – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mt Pleasant.
- Cr Robartson declared a Financial Interest in this item and left the meeting for the discussion, debate and vote on this matter.
- The minutes of the meeting do not record Cr Robartson's Disclosure of Interest at section 9 Declaration of Interest on page 11, however the disclosure is recorded immediately prior to the item on page 71.
- The minutes of this meeting were confirmed at the Ordinary Meeting of Council held 20 and 21 October 2020.
- This report seeks the approval of the Council to amend the minutes of the Ordinary Meeting of Council held 15, 22 and 29 September 2020 to include Cr Robartson's Disclosure of Interest on page 11.

BACKGROUND

The Ordinary Meeting of Council was held over three nights, the 15, 22 and 29 September 2020. On the evening of 22 September 2020 the Council considered item P20/3867 – Submissions Report – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mt Pleasant. Cr Clive Robartson submitted a Financial Declaration of Financial Interest for this item.

Cr Robartson's disclosure of interest is recorded on page 71, immediately preceding the item, but is not recorded in section 9 – Declarations of Interest on page 11, which provides a summary of all the disclosures of interest made at the meeting.

The minutes of the Ordinary Meeting of Council held 15, 22 and 29 September 2020, were confirmed as a true and accurate record at the Ordinary Meeting of Council held 20 and 21 October 2020 and can only be amended by resolution of the Council.

DETAIL

Section 5.88 of the *Local Government Act 1995* requires that the CEO keep a register of Financial Interests, with this information to be available to the public. The City publishes this Register on its website and audits the information from time to time to ensure accuracy.

During December, this Register was audited and it was found that the Minutes of the Ordinary Meeting of Council held 15, 22 and 29 September did not record Cr Robartson's Declaration of Financial Interest in section 9 Declarations of Interest.

To ensure consistency in information published in the minutes, it is recommended that the Minutes of the Ordinary Meeting of Council held 15, 22 and 29 September 2020 be amended to include Cr Robartson's declaration of financial interest in in section 9.1 Financial Interests on page 11.

**M21/5801 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD 15, 22 AND 29 SEPTEMBER 2020 (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No comment from the community has been sought in relation to this matter.

II. OTHER AGENCIES / CONSULTANTS

No comment from external agencies or consultants has been sought in relation to this matter.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.22 of the *Local Government Act 1995* requires that the person presiding at a Council Meeting ensures minutes of that meeting are kept and are submitted to the next ordinary meeting of the council for confirmation.

Section 5.65 of the *Local Government Act 1995* requires that an Elected Member is required to disclose the nature of the interest in writing to the CEO and immediately before the matter is discussed.

Regulation 11 (f) of the *Local Government (Administration) Regulations 1996* requires that the minutes of a meeting include each disclosure made and the nature and extent of each disclosure.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Inconsistency in information provision may lead to a perception that a declaration of interest was not made	Moderate consequences which are likely, resulting in a Moderate level of risk	Amendment to the minutes will ensure consistency in information provision.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

**M21/5801 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD 15, 22 AND 29 SEPTEMBER 2020 (REC)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could resolve not to include the requested amendment, which would have little effect, as the disclosure of interest made by Cr Robartson is recorded in the minutes and is recorded in the Register maintained by the CEO. The inclusion of the amendment as requested will ensure consistency in information provision to the published minutes of the meeting.

CONCLUSION

The inclusion of the proposed amendment in the minutes of the 15, 22 and 29 September 2020 Ordinary Meeting of Council will provide clarity and consistency in the published information associated with declarations of interest at that meeting of Council.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5801)**APPROVAL**

That the Council approve the amendment of the minutes of the Ordinary Meeting of Council held 15, 22 and 29 September 2020, by including the following information at section 9.1 Financial Interests on page 11:

- **Cr Robartson – P20/3867 – Submissions Report – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mt Pleasant. Financial Interest.**

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

M21/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 21 August 2020 up to and including 13 January 2021 for the Council's noting.

M21/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2153	City of Melville and The Owners of Sabina Applecross, Strata Plan 73501	Dead of Agreement. Strata Dead between City of Melville and the owners for the provision and maintenance of community benefit items for Sabina Stage 1	DA-2016-1455
CS2154	City of Melville and West Australian Planning Commission	Local Planning Scheme 6 Amendment No 6 Amendment No 9 Report. To initiate the scheme amendment to modify the southern boundary of the CBACP	5968941
CS2155	City of Melville and Melville Health, Aged and Community Care (WA) Pty Ltd	Agreement for Lease Melville Health, Aged and Community Activity Centre 391 Canning Highway and 36 - 38A Waddell Road Palmyra.	6009951
CS2156	City of Melville and Melville Health, Aged and Community Care (WA) Pty Ltd	Ground Lease for Melville Health, Aged and Community Activity Centre: 391 Canning Highway and 36-38A Waddell Road, Palmyra	5913787
CS2157	City of Melville and West Australian Planning Commission	Transport Noise Notification 70A for 4 Winnacott Street, Willagee in respect of subdivision condition.	6011074

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M21/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 21 August 2020 up to and including 13 January 2021.

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2020 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 November 2020 for the Council's information and noting.

C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 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 30 November 2020.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2020		
SUMMARY BY FUND		
Municipal		\$57,247,179
Reserve		\$156,682,842
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$214,147,799
SUMMARY BY INVESTMENT TYPE		
11AM		\$10,652,155
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$178,720,473
Units (Local Govt Hse)		\$175,171
TOTAL		\$214,147,799
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$157,972,628
A Category (A+ to A-)	A+	\$17,000,000
	A	
	A-	
BBB+ Category	BBB+	\$39,000,000
Units (Local Government House)		\$175,171
TOTAL		\$214,147,799

C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2020 (REC)

Exposure to an individual institution is limited according to Council policy and in November 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	\$ 8,500,000	3.97%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 29,500,000	13.78%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000	4.44%	15.00%	✓
CBA	AA-	AA Category	\$ 39,000,000	18.21%	30.00%	✓
Macquarie	A+	A Category	\$ 13,000,000	6.07%	25.00%	✓
NAB	AA-	AA Category	\$ 49,731,068	23.22%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 4,000,000	1.87%	25.00%	✓
Westpac	AA-	AA Category	\$ 60,741,560	28.36%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.08%	100.00%	✓
TOTAL			\$ 214,147,799	100%		

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

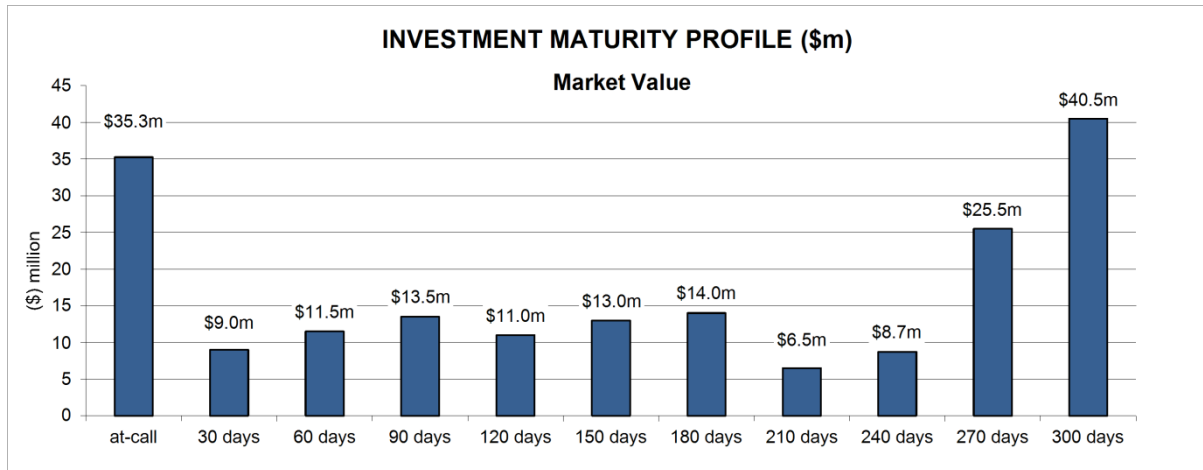
The City's investments were invested within the limits allowed within each category rating for November 2020.

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-)	\$ 157,972,628	74%	80%	✓
A Category (A+ to A-)	\$ 17,000,000	8%	50%	✓
BBB+ Category	\$ 39,000,000	18%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
TOTAL	\$ 214,147,799	100%		

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

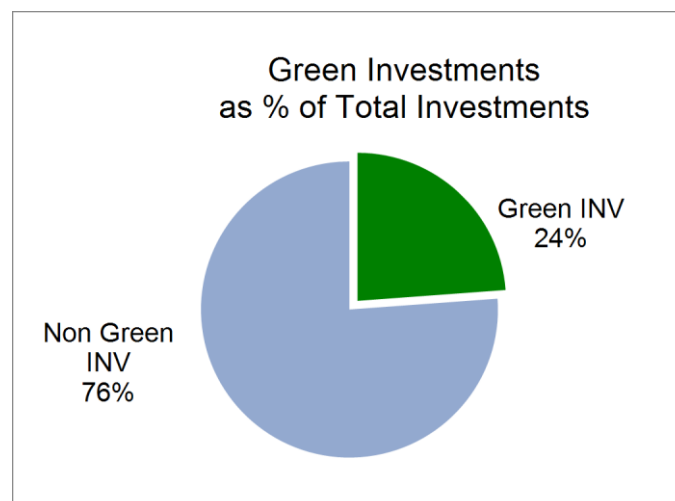
C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2020 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 30 November 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 30 November 2020 was \$51,000,000 or 24% of total investment holdings being in non-fossil fuels institutions, compared to \$52,000,000 (25%) in October 2020. The total investments holding for November and October were \$214,147,799 and \$210,246,559 respectively.



C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2020 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000
CBA	AA-	AA Category	\$ 37,500,000
Suncorp	A+	A Category	\$ 4,000,000
TOTAL			\$ 51,000,000

Green investments are invested in three banks listed above in the table based following the council credit rating policy. Green Term Deposits with CBA are currently limited or no longer available as the pool of funds with them has reached full capacity. Other banks offer a lower interest rate on Green Investment.

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).

The Local Government (Financial Management) Regulations 1996 (regulation 19C) allows local governments to deposit funds for a fixed term of three years 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.

C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2020 (REC)

FINANCIAL IMPLICATIONS

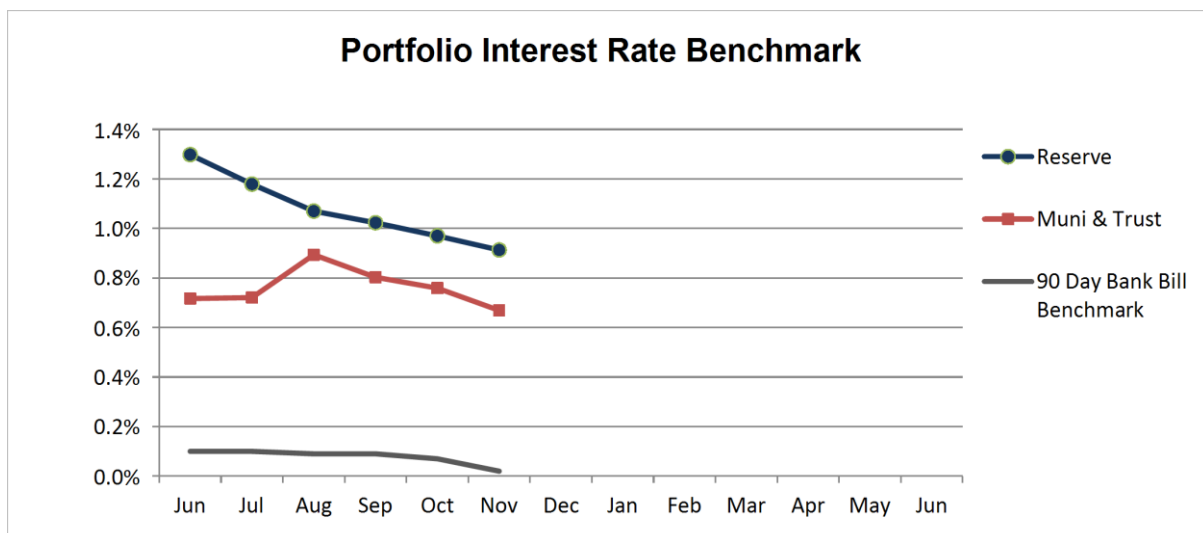
For the period ending 30 November 2020:

- Investment earnings on Municipal and Trust Funds were \$135,302 against a year to date budget of \$31,250 representing a positive variance of \$104,052. An adjustment to the annual budget of \$75,000 for Investment earnings on Municipal and Trust will be made following the mid-year budget review.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 November 2020 was 0.67% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.

- Investment earnings on Reserve accounts were \$623,433 against a year to date budget of \$593,750 representing a positive variance of \$29,683.

The weighted average interest rate for Reserve account investments as at 30 November 2020 was 0.91% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

Priority Number Five – “Ensure loan term financial sustainability”. The interest income from reserve accounts is allocated across the reserve accounts to offset the impact of CPI or other cost increases. The interest income on Municipal funds does provide a diverse income stream to complement the City’s other income sources.

C21/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 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.

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 0.67% to 0.91% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.

24% 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 October 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 (6000-1)**NOTING**

That the Council notes the Investment Report for the period ending 30 November 2020.

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 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 December 2020 for the Council's information and noting.

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 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 December 2020.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2020		
SUMMARY BY FUND		
Municipal		\$57,428,628
Reserve		\$147,502,108
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$205,148,515
SUMMARY BY INVESTMENT TYPE		
11AM		\$8,652,871
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$171,720,473
Units (Local Govt Hse)		\$175,171
TOTAL		\$205,148,515
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$154,972,628
A Category (A+ to A-)	A+	\$11,000,716
	A	
	A-	
BBB+ Category	BBB+	\$39,000,000
Units (Local Government House)		\$175,171
TOTAL		\$205,148,515

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)

Exposure to an individual institution is limited according to Council policy and in December 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	\$ 8,500,000	4.14%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 29,500,000	14.38%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000	4.63%	15.00%	✓
CBA	AA-	AA Category	\$ 38,000,000	18.52%	30.00%	✓
Macquarie	A+	A Category	\$ 8,000,716	3.90%	25.00%	✓
NAB	AA-	AA Category	\$ 49,731,068	24.24%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 3,000,000	1.46%	25.00%	✓
Westpac	AA-	AA Category	\$ 58,741,560	28.63%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
TOTAL			\$ 205,148,515	100%		

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

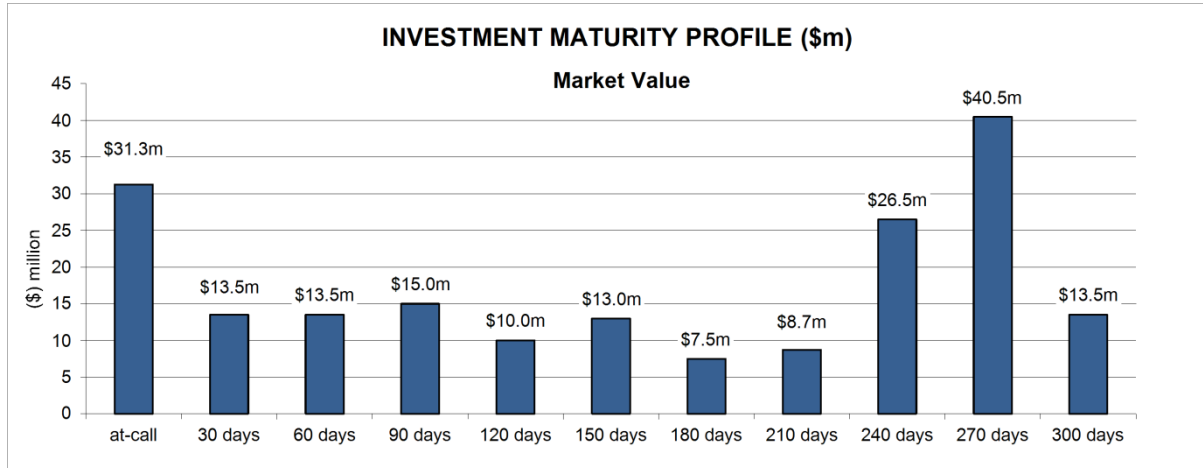
The City's investments were invested within the limits allowed within each category rating for December 2020.

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-)	\$ 154,972,628	76%	80%	✓
A Category (A+ to A-)	\$ 11,000,716	5%	50%	✓
BBB+ Category	\$ 39,000,000	19%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
TOTAL	\$ 205,148,515	100%		

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

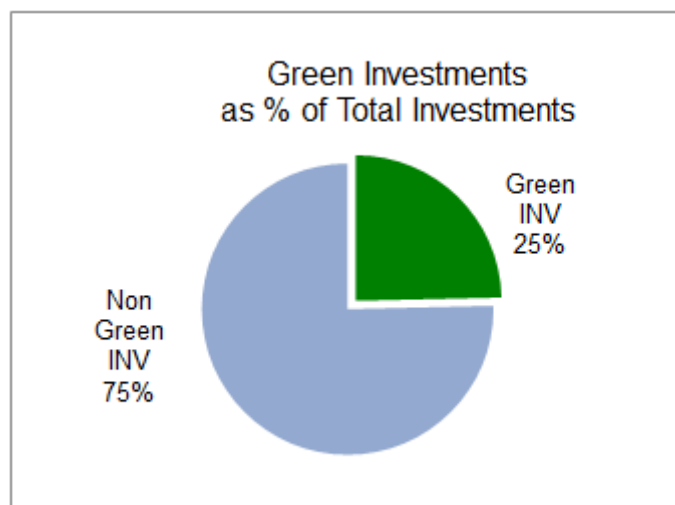
C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 31 December 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 December 2020 was \$50,500,000 or 25% of total investment holdings being in non-fossil fuels institutions, compared to \$51,000,000 (24%) in November 2020. The total investments holding for December and November were \$205,148,515 and \$214,147,799 respectively.



C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 9,500,000
CBA	AA-	AA Category	\$ 38,000,000
Suncorp	A+	A Category	\$ 3,000,000
TOTAL			\$ 50,500,000

Green investments are invested in three banks listed above in the table based following the council credit rating policy. Green Term Deposits with CBA are currently limited or no longer available as the pool of funds with them has reached full capacity. Other banks offer a lower interest rate on Green Investment.

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).

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.

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)

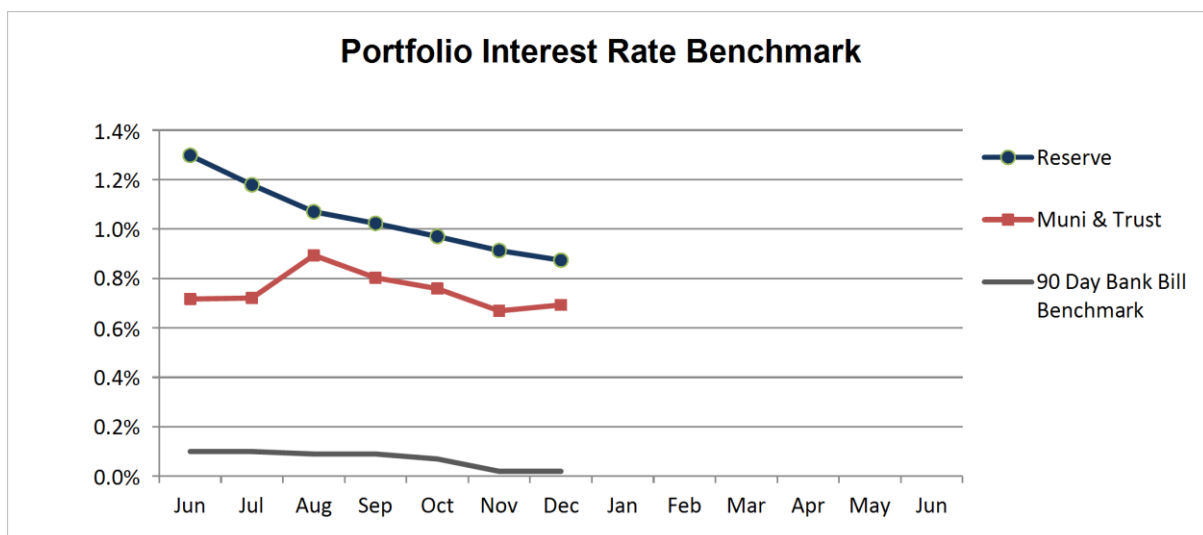
FINANCIAL IMPLICATIONS

For the period ending 31 December 2020:

- Investment earnings on Municipal and Trust Funds were \$160,231 against a year to date budget of \$37,500 representing a positive variance of \$122,731. An adjustment to the annual budget of \$75,000 for Investment earnings on Municipal and Trust will be made following the mid-year budget review.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 December 2020 was 0.69% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.

- Investment earnings on Reserve accounts were \$738,254 against a year to date budget of \$712,500 representing a positive variance of \$25,754. The weighted average interest rate for Reserve account investments as at 31 December 2020 was 0.87% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.69% to 0.87% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.02%.

25% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 24% in November 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 (6000-2)**NOTING**

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

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 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 November 2020 and recommends that the Schedule of Accounts Paid be noted.

C21/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 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 November including Payment Register numbers, Cheques: 783-784, Electronic Funds Transfers batches: 677-683, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 29 January 2021.

A total of \$6,047,494 direct creditor payments were paid during the month, of which, 35% of payments were paid to suppliers located within the City of Melville and 42% to suppliers within the South West Group, compared to 22% and 28% of the total of \$7,064,446 direct creditor payments made over October respectively.

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

SCHEDULE OF PAYMENTS MADE		
NOVEMBER 2020		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 783 and 784	\$51,437.32
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 678,679,681 and 682	\$5,805,071.60
	EFT Payment on Restricted Funds Register No. 101,677,680 and 683	\$197,387.09
	Less Cancelled EFTs	(\$6,401.69)
		\$6,047,494.32
<i>Direct Debits</i>	Bank Fees	\$30,760.88
	Caltex Fuel	\$66,806.05
<i>Direct Payments</i>		\$1,594.74
	Total Direct Creditor Payments	\$6,146,655.99
<i>Payroll</i>	Total Pay 10 and 11	\$3,509,116.69
	Total Payroll	\$3,509,116.69
<i>Cards</i>	Corporate Cards	\$2,316.35
	Purchase Cards	\$58,514.69
	American Express	\$3,044.33
	Total Card Payments	\$63,875.37
Total Direct Creditor Payments from Municipal Account		\$9,719,648.05

**C21/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 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			(\$3,998,759.19)
Reserve			\$3,998,759.19
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	2/11/2020		\$1,200,000.00
Westpac Bank	5/11/2020		\$1,200,000.00
Macquarie Bank	5/11/2020		\$2,000,000.00
Westpac Bank	11/11/2020		\$1,000,000.00
Westpac Bank	16/11/2020		\$1,000,000.00
Westpac Bank	17/11/2020		\$800,000.00
Westpac Bank	19/11/2020		\$1,500,000.00
Westpac Bank	23/11/2020		\$1,200,000.00
Bank of Queensland	25/11/2020		\$1,000,000.00
Westpac Bank	27/11/2020		\$1,800,000.00
<i>Total New Investments</i>			\$12,700,000.00
Grand Total			\$22,419,648.05

Details of the payments are shown in attachment [6001 Payment Details November 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'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

**C21/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2020 (REC)
(ATTACHMENT)****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 \$22,419,648.05.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-1) NOTING

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

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 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 December 2020 and recommends that the Schedule of Accounts Paid be noted.

C21/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 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 and other senior officers. 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 December including Payment Register numbers, Cheques: 785-786, Electronic Funds Transfers batches: 683-686, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 29 January 2021.

A total of \$11,083,551 direct creditor payments were paid during the month, of which, 21% of payments were paid to suppliers located within the City of Melville and 24% to suppliers within the South West Group, compared to 35% and 42% of the total of \$6,047,494 direct creditor payments made over November respectively. The biggest payment of \$3,633,940 made during the month was the ESL Remittance to Department of Fire and Emergency Services.

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

SCHEDULE OF PAYMENTS MADE DECEMBER 2020		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 785 and 786	\$38,634.28
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
Electronic Funds Transfers	EFT Payment Register No. 684,686	\$10,827,113.23
	EFT Payment on Restricted Funds Register No. 102,683 and 685	\$218,376.20
	Less Cancelled EFTs	(\$572.50)
		\$11,083,551.21
Direct Debits	Bank Fees	\$16,117.40
	Caltex Fuel	\$72,316.53
Direct Payments		\$1,412.46
	Total Direct Creditor Payments	\$11,173,397.60
Payroll	Total Pay 12 and 13	\$4,005,554.04
	Total Payroll	\$4,005,554.04
Cards	Corporate Cards	\$73.23
	Purchase Cards	\$38,817.28
	American Express	\$3,752.07
	Total Card Payments	\$42,642.58
Total Direct Creditor Payments from Municipal Account		\$15,221,594.22

C21/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 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			\$2,180,733.78
Reserve			(\$2,180,733.78)
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	1/12/2020		\$1,000,000.00
Westpac Bank	8/12/2020		\$800,000.00
Westpac Bank	24/12/2020		\$1,800,000.00
<i>Total New Investments</i>			\$3,600,000.00
Grand Total			\$18,821,594.22

Details of the payments are shown in attachment [6001 Payment Details December 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'.

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.

**C21/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2020 (REC)
(ATTACHMENT)****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 \$18,821,594.22.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-2) NOTING

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

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 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

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 November 2020 and recommends that they be noted by the Council.
- Year-end processes have been completed in December 2020 and the final report is now available on the City's website. The final figures for November 2020 may be different from what is presented in this report.
- The variances for the month of 30 November 2020 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 30 November 2020 and recommends that they be adopted by Absolute Majority decision of the Council.

**C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 30 November 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 financial statement process for 2019-2020 was finalised in early December, with the Auditor General of Western Australia issuing an unqualified audit opinion.
- Budget adjustments are being made each month to reflect changes in the budget assumptions particularly related to the impact of COVID-19.
- The Municipal cash balance at the end of the month is \$57.25m.
- In November 2020, the total Green investments have decreased by \$1,000,000 to \$51,000,000, or 1% compared to last month. 73% 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.
- Rates raised year to date were \$80,326,088 with a positive variance of \$663 compared to the year to date annual budget of \$80,325,425.

Rates collection progress for November is 67.3% which is below the month end target of 71%.

- Total debtor collections for November equalled \$10,669,638. The year to date total outstanding debtors (including all rates and sundry debtors) is \$37,567,092 which is slightly higher than the total debtors of \$37,531,618 at the same time in the previous year. However the cash collection of \$76,268,222 from total debtors to date is lower than the cash collection of \$89,291,154 during same period in the previous year.
- A total of \$252,879 in package payment and \$290,359 commercial Hardship Claims were processed in November 2020 relates to the Community Stimulus Package adopted by Council on 9 April. Total waivers since 9 April under the Community Stimulus Package total \$960,706.

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.

C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)

DETAIL

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 November 2020](#): Rate Setting Statement by Sub-Program

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

Revenue

Rates raised as at November were \$80,326,088, compared to a year to date budget of \$80,325,425 with immaterial positive variance of \$663.

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	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	101,333,016	100,975,521	0%	115,401,043	-12%
Payments Received	(74,202,441)	(64,024,133)	16%	(85,617,503)	-13%
Closing Balance	36,273,063	46,093,875	-21%	36,391,221	0%

Total rate debtor collections for the month equalled \$10,178,308 .

C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 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	2,149,890	2,043,315	5%	4,346,722	-51%
Receipts	(2,065,781)	(1,574,451)	31%	(3,673,651)	-44%
Prepayments	(28,944)	24,522	-218%	34,453	-184%
Closing Balance	1,294,029	1,732,251	-25%	1,140,397	13%

Sundry debtor balances decreased by-\$438,222 over the course of November from \$1,732,251 to \$1,294,029 of which total 90 day sundry debtors over \$1,000 for the month is \$659,069, representing 51% of total sundry debtors. Debtors amounting to \$454,610 have applied for COVID-19 hardship waivers currently being reviewed.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2020.

Budget Amendments

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

There were no debts written off for the month of November 2020.

C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

**C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)**

- (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

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

FINANCIAL IMPLICATIONS**Variances**

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

**C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)****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 30 November 2020. As noted in this report the financial statements for 2019-2020 have been finalised and the final report was issued by the Auditor General of Western Australia in December 2020. The final figures for November 2020 may be different from what is presented in this report.

**C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-1)
NOTING and ABSOLUTE MAJORITY**

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 November 2020 as detailed in the following attachments:**

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

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

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 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>

C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 December 2020 and recommends that they be noted by the Council.
- The annual financial statements for 2019-2020 have been completed with the Office of the Auditor General of Western Australia issuing an unqualified audit opinion. The final annual financial report and audit opinion are now available on the City's website.
- The variances for the month of 31 December 2020 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 31 December 2020 and recommends that they be adopted by Absolute Majority decision of the Council.

BACKGROUND

The Statements of Financial Activity for the period ending 31 December 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 annual financial statements for 2019-2020 have been completed with an unqualified audit opinion issued by the Office of the Auditor General of Western Australia.
- Budget adjustments are being made each month to reflect changes in the budget assumptions particularly related to the impact of COVID-19.
- The mid-year budget review is underway by budget responsible officers across the organisation and will be presented to Council for approval once complete.
- The Municipal cash balance at the end of the month is \$57.43m.
- In December 2020, the total investment holdings have been decreased by \$8,999,284 of which the green Investments have been decreased by \$500,000 to \$50,500,000. 72% of the City's investment holdings are held in reserve accounts which are restricted to the defined purpose for which the reserve account was established.
- Rates raised year to date were \$81,169,004 with a positive variance of \$796,422 compared to the year to date annual budget of \$80,372,582. This is mainly due to a positive variance of \$1,023,333 in interim rates raised offset by \$226,911 of rate concessions.

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)**

Rates collection progress for December 70% which is below the month end target of 74.7%.

- Total debtor collections for December equalled \$4,497,500. The year to date total outstanding debtors (including all rates and sundry debtors) is \$34,750,538 which is slightly higher than the total debtors of \$32,086,487 at the same time in the previous year. The YTD cash collection of \$80,765,722 from total debtors to is lower than the cash collection of \$95,362,812 during same period in the previous year.
- A total of \$240,302 in commercial hardship claims and an administration fee waiver of \$591 were processed in December 2020. These relate to the Community Stimulus Package adopted by Council on 9 April 2020. Total waivers under the Community Stimulus Package total \$1,201,601 over multiple financial years.

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:-

4. Statement of Financial Activity by Nature and Type
Provides details on the various categories of income and expenditure.
5. Rate Setting Statement by Program
Provides details on the Program classifications.
6. 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 December 2020](#): Rate Setting Statement by Sub-Program

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

Revenue

Rates raised as at December were \$81,169,004, compared to a year to date budget of \$80,372,582. The positive variance of \$796,422 is due to a positive variance of \$1,023,333 of interim rates raised off set by \$226,911 of rate concessions.

C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)
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	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,386,849	101,333,016	1%	115,539,111	-11%
Payments Received	(77,887,290)	(74,202,441)	5%	(91,281,309)	-15%
Closing Balance	33,642,047	36,273,063	-7%	30,865,483	9%

Total rate debtor collections for the month equalled \$3,684,849 .

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	2,736,509	2,149,890	27%	4,829,593	-43%
Receipts	(2,878,432)	(2,065,781)	39%	(4,081,503)	-29%
Prepayments	11,550	(28,944)	-140%	40,041	-71%
Closing Balance	1,108,491	1,294,029	-14%	1,221,004	-9%

Sundry debtor balances decreased by \$185,538 over the course of December from \$1,294,029 to \$1,108,491 of which total 90 day sundry debtors over \$1,000 for the month is \$577,961 , representing 52% of total sundry debtors. Debtors amounting to \$236,674 have applied for COVID-19 hardship waivers currently being reviewed.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for December 2020.

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)****Budget Amendments**

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

In the City's 2020-2021 Annual Budget, asset 39414, one of the City's waste trucks, was identified for replacement. It has been decided due to operational issues, that asset 38914 (scheduled to be replaced in the 2021-2022 financial year), will be replaced in the current financial year and the replacement of asset 39414 will occur in 2021-2022. As these trucks are equal both in value and specification, no monetary changes have been made to the budget.

Proposed Budget Amendments

The City of Melville conducts an annual review of its conditions of employment inclusive of wages. The objective is to ensure the City of Melville's employment conditions remain competitive within the sector and thus enable the City to attract and retain talent.

The 2020-2021 Adopted Annual Budget did not make any allowance for an organisational wide wage increase. The Annual Budget was formulated in light of COVID and economic uncertainty, and therefore conservative income and expenditure forecasts were adopted.

Whilst the City made a determination to not apply a wage increase many other Local Governments did, with average increases ranging between 1.5 – 2.5 % with similar increases expected to be applicable across the sector in 2021.

In consideration of:

- Sector wage momentum,
- Inflation - Perth CPI (1.8%),
- Federal and State minimum wage increases (Federal 1.75% and WA 1.75%)
- WA public sector pay increase applied capped at \$1000
- The Wage Price Index (WPI Public Sector increased by 1.8%)

and to ensure the City remains competitive as an employer, a wage increase has been recommended. It was determined that effective from the first pay period in January 2021 to apply a 1.75% or \$1,000 increase, whichever is greater, with a 1.5% increase applicable to the Management Leadership Team (MLT)/Executive Leadership Team (ELT) ranges. This increase is subject to a budget amendment and therefore has not yet been processed.

This determination not only recognises the valued contribution of the City's staff during a preceding challenging 12 months but places the organisation in a strong position (that would be clearly impacted if not funded) to ensure we can attract and retain talent.

The application of this increase for the January to June period is estimated to cost the City approximately \$380k.

C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)

The 2020-2021 Annual Budget was prepared and adopted amid the uncertainty of COVID-19. However, the opening of the City's public facilities earlier than expected, plus better than expected activity levels in the Building and Planning areas, has meant that there are significant positive budget variances. Funding has been identified to meet the cost implications of this salary review and a budget amendment is required to reallocate funds to employee cost accounts.

The formal mid-year budget review will be undertaken in January and presented to Council in March.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of December 2020.

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)****II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

(4) A statement of financial activity, and the accompanying documents referred to in 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.*

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)**

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment
[6002H Notes Rate Setting Statement December 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 December 2020.

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-2)
NOTING and ABSOLUTE MAJORITY**

That the Council:

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

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

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

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Fleet Capital Programme
 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

To recommend the acceptance of Western Australian Local Government Association (WALGA) e-quotes for:

- Replacement of one (1) domestic side loading waste truck with a commercial/domestic rear loading waste truck (16m³ compactor body).
- Replacement of three (3) side loading recycle waste trucks (29m³ compactor body).
- Replacement of two (2) side loading domestic waste trucks (24m³ compactor body).

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

The City of Melville, in-line with its 2020-2021 capital programme, will be replacing six (6) waste trucks. Comprising of three (3) side loading recycle waste trucks, two (2) side loading domestic waste trucks and one (1) domestic side loading waste truck with a commercial/domestic rear loading waste truck with a 16m³ compactor body.

The 16m³ rear loading vehicle is required to be sub three (3) metre in height to allow access to multiple underground development services (MUDS). The City is experiencing an increase in these high rise developments with underground waste collection services which require sub three (3) metre access.

The City reserved the right to purchase the various waste trucks from separate suppliers.

Quotes were called through WALGA's Preferred Supply Contract for Trucks and Associated Equipment - contract number NPN 04-13.

DETAIL

The submissions from the various respondents were analysed by an Evaluation Panel comprising of various City officers. Qualitative scores were achieved by joint agreement of the Evaluation Panel members, at an evaluation meeting after each panel member had scored the submissions individually. The City set four qualitative criteria for this Request, being Operational Capacity, Technical Specification, Environmental/Sustainability and Warranty Period.

The Evaluation Panel reviewed all respondent offers and prepared an Evaluation Report, identifying recommended respondents.

The recommended respondents scored the highest in the qualitative evaluation criteria and meet the operational requirements of the Resource Recovery Waste Department. Whilst they are the most expensive options quoted, consideration was given to operational needs and the overall whole of life costing of the trucks.

The chosen compactor for the side loaders will result in greater compaction, reducing the number of visits to waste facilities. The design of the truck will also result in lower maintenance costs for the life of the truck.

The rear loading truck was chosen due to the superior ingress/egress functionality of the truck. It provides a far safer work environment for the drivers, due to the true flat floor walk through cabin.

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU).

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

No other agencies/consultants has been required or undertaken for this tender.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (2):

“Tenders do not have to be publicly invited if the supply of the goods or service is to be obtained through the WALGA Preferred Supplier Program”.

FINANCIAL IMPLICATIONS

2020-2021 Fleet Capital Programme Budget	\$2,580,000.00 The Budget for one of the assets has been reassigned from another waste truck that will not be replaced in 2020-2021. This amendment forms part of Council Item C21/6002-2 – Statements of Financial Activity for December 2020.
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

The existing trucks will not be offered as trade on this purchase. They will be auctioned at a later date through a nominated auctioneer.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)

There is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 2 February 2021 distributed to Elected Members under confidential cover.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services: The Council has delegated the authority for tender activities below \$550,000 (excluding GST) per annum to the Chief Executive Officer (CEO). The procurement of the waste trucks is above this delegation and must therefore be presented to Council.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

Officers are satisfied that the recommended suppliers have demonstrated they have the necessary technical and operational specifications as requested by the City. The engines meet the environmental standards and the warranty, service and spare parts support also meet the City's expectations.

The recommended suppliers scored the highest in the qualitative evaluation criteria and meet the operational requirements of the Resource Recovery Waste Department. Whilst they are the most expensive options quoted, consideration was given to operational needs, the lower whole of life costings and driver safety. Therefore, the selected suppliers represent best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 2 February 2021 available on the Elected Members Portal.

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5806) APPROVAL****That the Council:**

- 1. Accept the recommendation as contained in the Confidential Attachment – RFQ192085 Contract and Tender Advisory Unit Minutes, relating to the replacement of:**
 - one (1) domestic side loading waste truck with a commercial/domestic rear loading waste truck (16m³ compactor body)**
 - three (3) side loading recycle waste trucks (29m³ compactor body)**
 - two (2) side loading domestic waste trucks (24m³ compactor body); and**
- 2. Upon resolution, directs that the successful respondents' names be inserted in the minutes below this point 2:**
 - one (1) domestic side loading waste truck with a commercial/domestic rear loading waste truck (16m³ compactor body)**
Penske Commercial Vehicles - Dennis Eagle Australia
ABN 15 010 827 022
 - three (3) side loading recycle waste trucks (29m³ compactor body); and**
 - two (2) side loading domestic waste trucks (24m³ compactor body)**
Volvo Group Australia (Superior) Pty Ltd
ABN 27 000 761 259

At 9:39pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (11/0)

15. EN BLOC ITEMS

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

That the recommendations for items M21/5800, M21/5801, M21/5000, C21/6000-1, C21/6000-2; C21/6001-1, C21/6001-2; C21/6002-1; C21/6002-2; C21/5806 be carried En Bloc.

At 9:39pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (11/0)

Disclosures of Interest

Member	Cr Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	A patron, not a decision making role, of Melville Cares
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Barber
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Board Member of Melville Cares, who leases part of Mount Pleasant Bowling Club.
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Kepert
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Mother is a Board Member of Melville Cares
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND REFURBISHMENT (REC)

Ward	: Applecross - Mt Pleasant
Category	: Operational
Subject Index	: Mount Pleasant Bowling Club
Customer Index	: Mount Pleasant Bowling Club
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item CD20/8140 – Mount Pleasant Bowling Club Review – Ordinary Meeting of Council 8 and 9 December 2020
Works Programme	: To be allocated to the 2020-2021 and 2021-2022 capital works programmes
Funding	: Requires funding of \$330,000. Existing DAIP Programme to fund \$100,000 of cost. Existing Asbestos Removal Programme to fund \$45,000 of cost. Remaining \$185,000 to be funded from 2021-2022 capital works programme or external grant funding sources.
Responsible Officer	: Mario Murphy Manager City Buildings

T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND REFURBISHMENT (REC)

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>

KEY ISSUES / SUMMARY

- This report and update is provided in relation to the resolution arising from item CD20/8140 Mount Pleasant Bowling Club Review from the 8 December 2020 Ordinary Meeting of Council.
- Research and investigation has been undertaken regarding the building upgrades to the club facility resulting in a Total Estimated Cost for the Proposed Works amounting to \$330,000.
- The City's Disability Access and Inclusion Programme (DAIP) budget is able to fund \$100,000 of the cost, with the current Asbestos Removal Programme able to fund \$45,000 of the cost.
- The remaining \$185,000 of funding required can be provided by the 2021-2022 capital works programme, noting that there is the potential for external grant funding contributing toward this project.
- The indicative works programme indicates works could commence in July 2021 with 12 week construction schedule.
- It is recommended that the City proceeds in the design and procurement of proposed works and funding arrangements as described.

**T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND
REFURBISHMENT (REC)****BACKGROUND**

Council resolved the following at the 8 December 2020 Ordinary Meeting of Council in relation to the Mount Pleasant Bowling Club:

“Directs the CEO to provide a report to the February 2021 Ordinary Meeting of Council on the arrangements for such works required to be implemented by the City to ensure that the accessibility improvements to the Clubhouse occur, and erect a movable partition in the Clubrooms including the removal of all asbestos as is rendered necessary by such works, to be practically completed by no later than 30 December 2021.”

City Officers have completed the following in initiating the implementation of the Council resolution:

- Carried out site visit to assess requirements
- Commissioned access consultant, Code Group, to carry out a detailed audit of disability access requirements
- Reviewed the Asbestos Management Plan for the building
- Prepared preliminary layout plans for the UAT upgrade works and operable wall
- Prepared detailed cost estimate for all of the works
- Prepared indicative works delivery programme

DETAIL

The following scope of work has been identified in accordance with the Council resolution.

Disability Access Improvements and Refurbishments:

- Provide accessible car-parking bay in existing car-park
- Repair uneven ground and provide safe walkway access from car-park to main entrance
- Provide tactile and improvements to existing steps
- Provide access ramp to door from verandah
- Replace existing non-compliant doors
- Replace existing door hardware
- Provide new UAT and ambulant toilet

Function Room Improvements:

- Provide and install operable wall including structural alterations where necessary
- Construct draught lobbies adjacent to existing double doors

Asbestos Removal Requirements:

- Removal of all asbestos in areas of new refurbishment works
- Sealing and make safe of asbestos in remainder of building (where practicable)

**T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND
REFURBISHMENT (REC)**Associated Works:

- Upgrade air-conditioning to reflect refurbishments
- Upgrade electrics and lighting to reflect refurbishments
- Upgrade plumbing to reflect refurbishments
- Upgrade fire services to reflect refurbishments

Indicative Programme of Works

Council Approval	February 2021
Procure Architect	Feb/March 2021
Complete design works	March/April 2021
Procure Contractor	May/June 2021
Construction Works	July- September 2021

Additional Items

- The City installed a shade sail on 14 January 2021 to protect the temporary toilet from the sun and harsh weather elements
- Agreed to meet the cost of the hire for the temporary toilet, estimated at around \$5,000, given the extended period required for this facility prior to the completion of required works to facilitate the hire of the facility by Melville Cares Inc.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

City Officers have engaged with the Mount Pleasant Bowling Club during the preparation of the scope of works and cost estimate.

II. OTHER AGENCIES / CONSULTANTS

External architectural and services consultants will be commissioned to design the works. Building approval will be required for the works. It is not anticipated that planning approvals will be required.

STATUTORY AND LEGAL IMPLICATIONS

None.

T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND REFURBISHMENT (REC)

FINANCIAL IMPLICATIONS

The cost estimate for the proposed scope of works in accordance with the Council resolution amounts to approximately \$330,000 as summarised below. A detailed report can be made available to Elected Members on request.

DAIP Improvements	\$99,890
Asbestos Removal	\$45,000
Function Room Improvements	\$40,000
Associated Services	\$35,299
Builder's Prelims	\$22,018
Construction Sub-total	<u>\$242,207</u>
Contingencies (20%)	\$46,240
Professional Fees	\$23,075
Internal Overheads	\$18,691
<u>Total Project Cost</u>	<u>\$330,214</u>

The following funding is available from the existing 2020-2021 Capital Works Programme to part-fund the cost of the works:

- Disability Access and Inclusion Programme \$100,000
- Asbestos Removal Programme \$45,000

The existing programme budgets will be sourced to fund the design works in the current financial year.

This leaves a shortfall of approximately \$185,000 to be covered by additional funding sources. This can be funded directly by the City from the 2021-2022 Capital Works Programme or potentially by external grant funding.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risks of not proceeding with the proposed scope of works are outlined below:

Risk Statement & Consequence	Level of Risk	Risk Treatment
Non-provision of disability access services leading to potential injuries to the community	Major consequences which are possible, resulting in a High level of risk	Implement the recommendations as outlined in the DAIP audit
Non-removal of asbestos leading to potential health issues within the community.	Major consequences which are possible, resulting in a High level of risk	Remove the asbestos in work areas and treat the remaining as recommended.
Non-provision of function room improvements leading to dissatisfied community and potential reduced patronage of the Club.	Moderate consequences which are possible, resulting in a Medium level of risk	Complete the function room works as planned.

**T21/3900 – MOUNT PLEASANT BOWLING CLUB - IMPROVEMENTS AND
REFURBISHMENT (REC)****POLICY IMPLICATIONS**

None.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative options are to either not to complete the works or reduce the scope of the works. The DAIP and asbestos removal works are existing programmes funded by the City so will proceed anyway. Reducing the additional scope (i.e. function room improvements) would not meet the requirement as outlined in the Council resolution and the requests from the Bowling Club stakeholders.

CONCLUSION

The scope of works for the improvements at Mount Pleasant Bowling Club includes disability access improvements, asbestos removal and the installation of draught lobbies and an operable wall in the function room. The estimated cost of the proposed works amounts to \$330,000 which can be part-funded from the existing DAIP and asbestos removal programmes. Additional funding of \$185,000 is required; this will be requested in the 2021/22 capital works programme with potential opportunity for external grant funding.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3900)**APPROVAL**

At 9:39pm Cr Mair moved, seconded Cr Barton –

That Council approves the proposed improvements and refurbishment of the Mount Pleasant Bowling Club with total funding of \$330,000 to be provided through the DAIP Programme (\$100,000), and Asbestos Removal Programme (\$45,000) from the 2020-2021 budget, and \$185,000 in the 2021-2022 Capital Works Program.

At 9:41pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)

Ward : Bull Creek - Leeming
Central

Category : Strategic

Subject Index : Capital Works Program and Active Reserves
Infrastructure Strategy

Customer Index : N/A

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

Previous Items : P19/3795 – John Connell Reserve Redevelopment
project Partnering Opportunity with Landcorp –
Memorandum of Understanding (19 February 2019)
Item.

Works Programme : 2021-2022

Funding : 2021-2022 Budget

Responsible Officer : Mick McCarthy
Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**KEY ISSUES / SUMMARY**

- The Council resolved on 19 February 2019 (Ref:P19/3795) to enter into a Memorandum of Understanding (MoU) with Landcorp (now DevelopmentWA) for the John Connell Redevelopment Project involving residential development of a portion of the Melville Glades Golf Course.
- Funding raised from the redevelopment of a portion of the golf course land was proposed to be used to assist in funding the remediation costs associated with the former landfill in the southern part of the reserve; and fund a range of community enhancements in the wider precinct including recreational activity and additional open spaces.
- Following the outcome of the October 2019 Council elections, Elected Members have expressed views that did not support continuing the John Connell Reserve Redevelopment Project and this has been communicated to DevelopmentWA via an initial meeting with the City, and a letter exchange between the parties in August 2020 where it was agreed that further work will cease on the project until the new Council had made a decision over its future.
- Given that there is little likelihood that the John Connell Redevelopment Project will be pursued in the near future, it is considered appropriate for the City to cancel the MoU agreement with DevelopmentWA.
- The remediation of the former landfill area is expected to cost between \$2.62M to \$3.83M, which would need to be funded through the refuse site reserve that has a current balance of \$10.58M.
- The Active Reserves Infrastructure Strategy (ARIS) identified a range of infrastructure upgrades and planning initiatives for the John Connell Reserve including change room upgrades (2024-2025), Master Plan development (2025-2026) and additional oval/rectangular pitches (2028-2029).
- An approach from the Member for Jandakot, supported by Leeming sporting clubs, regarding potential funding for priority works as a commitment associated with the State election on 13 March 2021, led to the preparation by officers of a revised implementation plan that would enable bringing forward selected works.
- The officer paper identified a range of projects that could be implemented in the short term including the change room upgrade (\$623,000 for current 2 room configuration to \$839,000 for 4 room configuration), expanded car parking (\$50,000) and relocation of the cricket nets (\$220,000).
- The oval extension to accommodate an additional cricket oval and soccer pitch, estimated at a cost of \$2.12M, was also put forward by stakeholders as a project that could attract funding, however this a major project which requires considerable investigation and securing approvals to clear vegetation classified as a Threatened Ecological Community (TEC).
- The ARIS proposed the extension to accommodate the additional oval and soccer pitch to be undertaken after a master planning process was completed to ensure that all options were considered prior to progressing with the best option.
- Regardless of whether external funding for the short term upgrades are secured or not, it is recommended that the Master Plan be brought forward to 2021-2022 to facilitate proper planning of this important recreational and environmental asset.
- Should the Master Plan determine the extension of the existing oval to accommodate the cricket playing field and soccer pitch as the best option, the City would then be required to prepare a vegetation clearing application and undertake associated investigations and community consultation for this proposal.

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**BACKGROUND**

The John Connell Reserve comprises 122 hectares of important public open space in the eastern part of the City of Melville and provides significant environmental, passive and active recreational opportunities for the local and regional community.

The John Connell Reserve was previously the site of the Dundee Road Landfill which operated from 1974 to 2000 and includes areas currently occupied by the archery range, public park, super golf and driving range. The last stage of the landfill occurred on the south western corner of the reserve, which resulted in a final landform level representing the highest part of the elevated area being 41 metres above sea level.

The site is classified as “contaminated – remediation required” by the Department of Water and Environment Regulation in accordance with the Contaminated Sites Act 2003.

In 2011, the City of Melville and the Melville Glades Golf Course entered into a Memorandum of Understanding (MoU) regarding potential development options for the respective properties and from October 2011 the City embarked on a public engagement process to examine suitable design options through stakeholder meetings and a public design workshop which attracted 125 member of the community.

The community feedback was used to develop six concept designs for the site which were subsequently shortlisted to three and then one for further research which showed residential development cells in the northern part of the site with a rehabilitated golf course relocation and Leeming Sports Association oval extension in the southern part of the site.

In exploring options and project partnership arrangements, the City entered into a MoU with LandCorp (now DevelopmentWA) by resolution of Council on 19 February 2019 to undertake further detailed due diligence, concept planning, design, feasibility studies and community consultation.

Although draft concept plans prepared by LandCorp were presented to Council during 2019 for informal feedback prior to embarking on a community consultation process, the October 2019 Council elections resulted in the current Council whereby Elected Members expressed opposition to proceeding with the residential development project. DevelopmentWA were advised of this position and subsequently stopped work on the project and agreed to discontinue the MoU.

The City of Melville’s Active Reserves Infrastructure Strategy (ARIS) finalized in 2020 identified a number of upgrades and initiatives for the John Connell Reserves based on the following:

- | | | |
|---|---|---------|
| • Change room refurbishments (\$623K) | – | 2024/25 |
| • Preparation of a Master Plan (\$84K) | – | 2025/26 |
| • Additional Oval/Rectangular Pitches (\$2.12M) | - | 2028/29 |

The City’s change room upgrade program is ahead of schedule and it is acknowledged that additional funding could be provided to this program and reflected in the Long Term Financial Plan, with the potential for the upgrade of the John Connell Reserve change rooms by late 2021-2022 or in 2022-2023. .

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)

More recently, the City has been approached by various stakeholders (sporting clubs, Members of Parliament, election candidates) regarding the possibility of bringing forward upgrades with support of external funding as part of announcements in the lead up to the State election on 13 March 2021.

DETAIL

DevelopmentWA has essentially discontinued work on the residential development project for the Melville Glades Golf Course and John Connell Reserve in acknowledgement of the lack of support from Elected Members to progress this proposal. In August 2020 the City and DevelopmentWA mutually agreed to progress further work on the project under the MOU until the new Council had formed a view on whether the project should progress in its current form or cancelled.

As a consequence, it will be necessary to rescind the original Council resolution of 19 February 2019 so that the MOU can be formally cancelled. The City will continue to work with the Melville Glades Golf Course regarding potential future improvements of golf facilities requiring funding support, so this MoU can remain in place.

The priority projects identified more recently by stakeholders that may be eligible for potential support of external funding in the short term include:

- Change room upgrades - 2 change rooms at an estimated cost of \$623,000 and four change rooms to respond to increased female participation at an estimated cost of \$839,000
- Relocation and replacement of practice cricket nets - \$220,000
- Additional parking to the west of the current facility car park - \$50,000 for an additional 10 informal parking bays

The oval extension was also nominated by stakeholders as a potential project; however the City has advised that this is a major project that requires further investigation and approvals. As such, it is not considered a short term project and therefore not suited to consideration for external funding support at this time.

Investigations by the City have determined that the Banksia Woodland bushland to the east of the oval, where the extension is proposed, is classified as a Threatened Ecological Community (TEC). Although the scale of clearing is less than one hectare and therefore does not automatically trigger referral to the Federal Government, an application for a vegetation clearing permit from the State Department of Water and Environment Regulation (DWER) would be required. It is understood that it is likely to take between 6 to 9 months to secure a vegetation clearing permit, noting that DWER may refer the application to the Federal Government for advice which would extend a decision by on the application by 12 to 18 months.

It should be noted that the additional oval and soccer pitch footprint may extend into an area previously landfilled that would require excavation, which is a key factor that contributes to the high cost of the extension (\$2.12M). A better and more cost effective option may be to establish a new oval and soccer pitch further to the east as this area was identified for active recreation in the previous concept plan.

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)

A recent review of the scope for the required remediation work has been completed and it is expected that the landfill area is likely to cost between \$2.62M to \$3.83M to achieve a standard that may enable the site to be reclassified as either “contaminated – restricted use” or “remediated for restricted use”. This use would enable utilisation of the remediated landfill site for active recreation such as cricket oval or soccer pitch. This remediation work would need to be funded through the refuse site reserve which has a current balance of \$10.58M

Given the above, it is recommended that the Master Plan be brought forward from the planned 2025-2026 financial year to the 2021-2022 financial year as this will inform the planned and logical consideration of a range of future reserve facilities provision, upgrades and remediation requirements.

The \$84,000 cost for the preparation of the Master Plan identified in the ARIS only related to the active recreation areas of the reserve, however sufficient funding should be set aside for a Master Plan for the whole site now that residential use is no longer being pursued and remediation by the City is required. This holistic approach will ensure that the remediated landfill areas can be appropriately considered in the future planning of the John Connell Reserve.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Extensive community consultation was undertaken between 2011 and 2014 to identify examine various options and to identify a preferred concept design for the reserve requiring further investigation and analysis.

Landcorp was proposing to initiate a community consultation process just prior to the October 2019 Council Election, however this was not progressed due to views expressed by Elected Members.

It is recommended that a Master Plan for the whole John Connell Reserve be undertaken, which would involve a comprehensive and structured stakeholder engagement plan, similar to that proposed for the Attadale Alfred Cove Foreshore Master Plan project.

The City would need to be the applicant for a vegetation clearing permit, should this be required, and this will require community consultation either prior to or during the vegetation clearing application process. Although there is support amongst sporting associations and clubs consulted to date for the vegetation clearing to facilitate the oval extension, it is likely that there would also be community opposition from environmental groups and others who do not support the clearing of TEC listed vegetation.

II. OTHER AGENCIES / CONSULTANTS

DevelopmentWA were involved in the previous investigation and feasibility work related to the residential development proposal in the northern section of the golf course and will need to be informed of the Council's decision regarding the MoU cessation.

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The MoU with DevelopmentWA is not a legally binding document, but rather an formal agreement between parties to work together toward agreed objectives.

The Master Plan is not a statutory process and at the discretion of Council. The DWER has advised of the requirement to remediate the past landfill areas, particularly those areas that may pose a risk to the environment or public health (e.g. asbestos material), in order to reclassify the site for restricted use.

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

FINANCIAL IMPLICATIONS

To date, the City has not incurred direct costs associated with the project work under the MoU and only incurred the time of some of its officers. DevelopmentWA has advised that it had incurred significant due diligence costs over an 18 month period prior to entering the MoU, but has incurred no additional cost since the MoU came into effect apart from internal staff time. DevelopmentWA acknowledge that the costs incurred prior to entering the MoU would be solely born by DevelopmentWA and only if the project development proceeded after approvals would these costs be reimbursed by the Project under its approved Budget.

The funding for projects identified in ARIS related to facility upgrades and planning work has been included in the Long Term Financial Plan based on the expected financial year when the expenditure is planned to occur, however none of this funding has been budgeted this financial year or next financial year. Any external funding received for upgrades could enable projects to be brought forward and a budget allocation or amendment would be required to gain Council approval for expenditure.

The ARIS identified \$84,000 as an estimated cost of preparing a Master Plan, however this was only for the active areas of John Connell and additional costs in the order of \$50,000 to \$60,000 would be required to prepare a Master Plan for the entire 122 hectare area of the reserve.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is a level of interest from the Leeming community regarding the future planning of, and investment by, the City in relation to the John Connell Reserve.

Any future major works or master planning activities should be supported with a comprehensive stakeholder engagement program that reflects the outcomes of previous consultation and a clear strategy for improvements for this strategic site.

There are environmental and human health risks in regards to former landfilling activities and the requirement to remediate the site to minimise exposure risks.

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)

The major works associated with the oval extension include inherent risks related to excavations and the clearing of vegetation could result in concerns being expressed by some stakeholders that have an active interest in the site and adjacent Ken Hurst Park.

These risks will require careful management, given the environmental and reputational implications involved in the City seeking to clear the Banksia woodland TEC vegetation through a process requiring community consultation. In essence, the key outcomes of healthy lifestyles and clean and green (and associated priorities around sustainability of our environment, empowering the voices of our diverse community and supporting healthy lifestyles and wellbeing) are somewhat diametrically opposed in the oval extension proposal.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Discontinuing MoU with DevelopmentWA.	Minor consequences which are rare, resulting in a Low level of risk	Communicate Council decision and outline future opportunities for community involvement in future projects and planning.
Bringing forward works planned in the ARIS prior to works being undertaken on higher priority facilities	Moderate consequence and possible, resulting in a Medium level of risk	Communicate rationale regarding external funding and support other groups in seeking external funding for improvements and upgrades of facilities
Excavation of landfill material during any major works such as the oval extension incorporating the additional soccer pitch	Moderate consequence and likely, resulting in a High level of risk	Consider alternative sites for additional oval and soccer pitch
Clearing of Banksia woodland TEC vegetation associated with oval extension work	Moderate consequence and almost almost certain, resulting in a High level of risk	Consider alternative sites for additional oval and soccer pitch

POLICY IMPLICATIONS

The key policies related to this report include:

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

There are also strategic documents that form a reference to this report including the Urban Forest Strategy (Part A: City Controlled Land), ARIS and various Management Plans.

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City could decide not to discontinue the MoU with DevelopmentWA, however not work is proposed to be undertaken on the residential development proposal. The Council decision to discontinue the MoU is more of a formality to signify the end to this proposal and associated investigations.

The Council may choose not to bring forward the Master Plan to 2021-2022, however a lack of a holistic plan for this important strategic site would lead to ad hoc decision making and possibly sub-optimal use of funds for future works and facilities upgrades prior to the recommended upgrades recommended for implementation in the ARIS report.

Council may resolve to initiate the vegetation clearing application process prior to the completion of the Master Plan, however there may be alternatives to extending the existing oval eastwards such as establishing a new oval, soccer pitch and associated facilities further east adjacent to Dundee Street in the area previously identified in the opportunities plan for active recreation.

CONCLUSION

The John Connell Reserve is a strategic regional public open space asset for the City. The discontinuation of the MoU with DevelopmentWA will formalise the cessation of work on the residential development proposal on part of the golf course and enable the City to reset future planning through a consultative process with the community.

The bringing forward of the preparation of a more holistic Master Plan to cover the entire site will facilitate a community inspired and structured plan for future investment in infrastructure and facilities based on need and demand.

The clearing of Banksia woodland TEC for the oval extension can be considered with other alternatives in the Master Plan, given that this is a major project (\$2.12M) and will require community consultation prior to Council making a fully informed decision.

OFFICER RECOMMENDATION (3901)**APPROVAL**

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

That the Council

- 1. Authorises the Chief Executive Officer to notify DevelopmentWA that the City intends to no longer proceed with the Memorandum of Understanding for the John Connell Reserve Redevelopment Project.**
- 2. Authorises the Chief Executive Officer to write to Melville Glades Golf Club advising of the Council decision.**
- 3. Notes the improvement projects put forward for the John Connell Reserve at the request of stakeholders to bring forward for implementation in the event that external funding to cover costs is secured.**
- 4. Brings forward the preparation of the Master Plan for the entire 122 hectare John Connell Reserve for consideration in the 2021-2022 budget.**

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**Amendment**

At 9:43pm Cr Robartson moved, seconded Cr Barton –

That following words be inserted after the word “stakeholders” in line two of item 3,

- **“being, the upgraded to the present change rooms, relocation and replacement of the practice cricket nets, and the construction of additional parking, be brought”**
- **and the words “to bring” be deleted.**

At 9:51pm, during discussion and debate, the mover and seconder consented to the inclusion of changing the word “implementation” to “consideration”.

Amendment**COUNCIL RESOLUTION**

At 9:43pm Cr Robartson moved, seconded Cr Barton –

That following words be inserted after the word “stakeholders” in line two of item 3,

- **“being, the upgraded to the present change rooms, relocation and replacement of the practice cricket nets, and the construction of additional parking, be brought ”**
- **and the words “to bring” be deleted.**
- **The word “implementation” be changed to “consideration”.**

At 9:51pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reasons for the Amendment as provided by Cr Robartson

- The improvement works, identified for possible development are mentioned in the detail of the officer’s report, however it is I believe wise to include such in the resolution to ensure clarity and also that the stakeholders (Leeming Sports Association) are aware of the City intentions.
- Mr Yas Mubarakai MLA announced (via Facebook) on 15 February 2021 that if “re-elected (the) McGowan Labor Government to deliver \$625K to upgrade John Connell sporting reserve in Leeming”.
- Should these funds become available, it needs to be clear what they are intended to be used for. Obviously not all of the three proposal will be able to be completed with the promised contribution and the Council will need to further address the availability of additional funding, at some future time (2021/22 budget).

T21/3901 – JOHN CONNELL RESERVE UPGRADE PROPOSALS (REC)**Substantive Motion as Amended****COUNCIL RESOLUTION**

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

1. Authorises the Chief Executive Officer to notify DevelopmentWA that the City intends to no longer proceed with the Memorandum of Understanding for the John Connell Reserve Redevelopment Project.
2. Authorises the Chief Executive Officer to write to Melville Glades Golf Club advising of the Council decision.
3. Notes the improvement projects put forward for the John Connell Reserve at the request of the stakeholders being, the upgrade to the present change rooms, relocation and replacement of the practice cricket nets, and the construction of additional parking, be brought forward for consideration in the event that external funding to cover these costs is secured.
4. Brings forward the preparation of the Master Plan for the entire 122 hectare John Connell Reserve for consideration in the 2021-2022 budget.

At 9:52pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 9:52pm the Mayor brought forward Item M21/5812 – Chief Executive Officer Performance Review.

Disclosures of Interest

Member	Mr M Tieleman
Type of Interest	Financial / Impartiality interest
Nature of Interest	CEO subject of the report
Request	Leave
Decision	Leave

At 9:52pm Mr Tieleman having declared an interest in this matter, left the meeting.

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M21/5804 – Chief Executive Officer Performance Review – Governance Committee Meeting 8 February 2021 Item M20/5789 – Planning for the CEO Performance Appraisal – Ordinary Meeting of Council held 17 November 2020 Item M20/5789 - Planning for the CEO Performance Appraisal - Governance Committee meeting held 23 November 2020 Item M20/5798 – Planning for CEO Performance Appraisal – Ordinary Meeting of Council held 8 and 9 December 2020
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Dean McAuliffe Manager People Services

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

KEY ISSUES / SUMMARY

- The Governance Committee has been determined by the Council to be the reviewers of the Chief Executive Officer (CEO) performance.
- A defined process is followed for the CEO performance review, as detailed in this report.
- At its meeting held Monday 8 February 2021 the Governance Committee discussed the CEO performance, future expectations and performance criteria, performance development and reviewed the salary package, for recommendation to the Council.
- This report provides the Governance Committees recommendation on:
 - the outcome of the CEO Performance Review Process and Total Remuneration Package,
 - a process to undertake a review of the performance criteria.

BACKGROUND

On 20 November 2018 Marten Tieleman commenced in the role of Chief Executive Officer (CEO) at the City of Melville.

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

**M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)**

The CEO Performance Review process was considered at the Ordinary Meeting of Council held 17 November 2020 and the Governance Committee Meeting held 23 November 2020. The review process was confirmed by the Council at the Ordinary Meeting of Council held 8 and 9 December 2020.

A Performance Review Consultant (Consultant), Mr John Phillips from John Phillips Consulting, has been engaged by the City of Melville to facilitate the discussions between the Council and the CEO during the Performance and Remuneration Review process. This has included opportunities for all Elected Members to provide individual feedback with the Consultant Confidential Attachment CEO Appraisal 2021 (Reviewer Report) distributed to Elected Members on Friday 12 February 2021 under confidential cover.

This matter was considered by the Governance Committee at its meeting held 8 February 2021.

DETAIL

The review process endorsed by Council at the 8 and 9 December 2020 Council meeting is detailed in attachment CEO Performance Review Process distributed to Elected Members on Friday 12 February 2021 under confidential cover. The process also provides for the Governance Committee to provide feedback to the Consultant on the CEO Performance Review Process, so that the process may be improved or modified for future reviews.

The role of the Performance Review Consultant is to assist in discussions between Elected Members, His Worship the Mayor and the CEO in all aspects of the performance discussion and future performance criteria, performance development plan, as well as the salary package review.

The Performance Review Consultant has provided a summary of Elected Member feedback, for the consideration of the Governance Committee.

The Performance Report from the CEO was provided to Elected Members on 17 December 2020. The CEO Performance Review – Consultant Report, including the Total Remuneration Report (TRP) was distributed to Elected Members on Friday 12 February 2021 under confidential cover. Confidential Attachment CEO Appraisal 2021 (TPR Review Report).

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)

The process for the Governance meeting was as follows:

Action	Purpose	CEO Involvement
1. Discussion between Mr John Phillips and Governance Committee relating to the report from the Performance Review Consultant on survey results, potential changes to performance criteria and relevant remuneration data	Clarify key comments to be delivered to the CEO on behalf of the Elected Members including -past performance – <i>based on matters relating to specified performance criteria within the employment contract</i> -future performance criteria -performance development	CEO not present
2. Remuneration discussion	Review of salary level	CEO not present
3. CEO to provide comment on performance and future priorities	Discussion on the CEO's Performance Review document and CEO to detail his perspective of his and the organisation's performance and future priorities	CEO present
4. Feedback to CEO from Governance Committee on performance	Ensure CEO understands views of Elected Members on performance and priorities, with reference to the CEO Performance Review - Consultant Report.	CEO present
5. Discussion of current performance criteria	To ensure contract performance criteria reflects expected desired outcomes – Governance Committee to discuss with the CEO proposed changes to the current criteria and agree on criteria for next review.	CEO present

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)

6. Discussion of performance development plan – review of the comments on professional development opportunities provided by the Consultant	To ensure performance development areas are discussed. It is noted the Mayor is authorised to approve professional development for the CEO, as specified in the contract of employment.	CEO present
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STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

There has been no liaison with any other agencies or Consultants beyond John Phillips Consulting.

STATUTORY AND LEGAL IMPLICATIONS

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

New Model standards for CEO recruitment, performance and termination came into operation on 3 February 2020 and are contained in the Local Government (Administration) Regulations 1995 – Regulations 18FA, 18FB, 18FC and Schedule 2. These mandatory standards apply to the current and future performance review processes.

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

Section 5.39 (7) of the Act requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO to be taken into account by the local government before entering into, or renewing a contract of employment with a CEO. Although this section of the Act does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.

FINANCIAL IMPLICATIONS

The fee for the Consultant is included in the adopted 2020 - 2021 Budget. Any change to the salary package of the CEO will be reflected in the operational budgets for 2021-2022.

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as the requirement for a performance review are mandatory.

CONCLUSION

The Governance Committee Meeting has conducted the CEO Performance and Salary Review and now provides its recommendations to the Council in relation to the Performance and Salary Review for the Chief Executive Officer.

The current performance criteria has been identified for review and update to reflect future priorities and outcomes. As this is important to ensure performance expectations are clear the Governance Committee is recommending that the Performance Review Consultant review and finalise the Performance Criteria for the Chief Executive Officer, using the attached Draft CEO Performance Metrics noting that any additional performance measures to those currently contained in the CEO's contract need to also be agreed by the CEO.

**M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC)
(CONFIDENTIAL ATTACHMENTS)****GOVERNANCE COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION
(5812) ABSOLUTE MAJORITY**

At 9:52pm Cr Pazolli moved, seconded Cr Barton –

That the Council:

- 1. receives the Report from the Performance Review Consultant and endorses the overall assessment of “Meets Expectations”;**
- 2. accepts the CEO’s request not to increase to the base salary component as part of the Total Remuneration Package in accordance with the Confidential Consultants Report.**
- 3. schedules a meeting with the Performance Review Consultant to review and finalise the Performance Criteria for the Chief Executive Officer;**

At 9:53pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (11/0)

At 9:53pm Mr Hitchcock left and returned 9:55pm.

At 9:53pm Mr Ferris left and returned at 9:55pm.

At 9:53pm the Mayor brought forward Item 16.3 – Motion with Notice Cat Strategy for the City of Melville, at the request of Elected Members.

16.3 Motion with Notice - Cat Strategy for the City of Melville

Motion

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

That the Council directs the CEO to prepare a strategy which encourages and enables responsible cat ownership in order to address wildlife predation, nuisance cat behaviour and other associated cat-management issues.

At 9:55pm Mr Tieleman returned to the meeting.

Amendment

COUNCIL RESOLUTION

At 9:56pm Cr Sandford moved, seconded Cr Barber-

That the motion be amended to read:

That the Council directs the CEO to commence extensive community engagement for a period of not less than 6 weeks prior to the preparation of a draft strategy for consideration by Council, which ...

At 10:00pm the Mayor declared the motion

CARRIED (7/4)

16.3 Amendment		
Yes	7	Cr Glynis Barber, Cr June Barton, Cr Katy Mair, Cr Margaret Sandford, Cr Nicholas Pazolli, Cr Steve Kepert, Mayor Gear
No	4	Cr Clive Robartson, Cr Karen Wheatland, Cr Tomas Fitzgerald, Cr Duncan Macphail

Reasons for the Amendment as provided by Cr Sandford

The City should, as a first step before drafting and putting any cat strategy out for public consultation, engage widely with the large community of cat owners and expert in these matters in the City of Melville, who will be directly affected by any cat strategy. It is necessary to explore the full range of the community's concerns and ideas as to how to realistically phase in cat management controls, while balancing the needs and interests of cats and their owners. The City does not have a monopoly of ideas and will benefit from obtaining substantial public feedback before preparing any strategy, as this is an issue which is likely to be widely debated and emotive.

16.3 *Motion with Notice - Cat Strategy for the City of Melville, Continued*

Substantive Motion as Amended

COUNCIL RESOLUTION

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

That the Council directs the CEO to commence extensive community engagement for a period of not less than 6 weeks prior to the preparation of a draft strategy for consideration by Council, which encourages and enables responsible cat ownership in order to address wildlife predation, nuisance cat behaviour and other associated cat-management issues.

At 10:06pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reasons for the Motion as provided by Cr Wheatland

While recognising that cats are widely loved pets and they provide many benefits to their owners, there is a strong and growing national impetus to better manage the negative impacts of both domestic and feral cats. These include wildlife predation (the Australian Wildlife Conservancy estimates that more than 75 million native animals are killed by domestic and feral cats every day in Australia. That's over 27.5 billion each year.) and nuisance behaviour (eg. defecating, fighting, territorial urine spraying, disease transmission). While feral cats account for the majority of native animal deaths in rural Australia, wildlife predation by domestic cats is a significant problem in urban areas, in parks and reserves, on verges and in private gardens.

A recent analysis compiled the results of 66 different studies on pet cats to gauge the impact of Australia's pet cat population on native wildlife. The results of this analysis were consolidated in a fact sheet (refer Attachment 1) prepared by the Federal Department of Agriculture, Water and the Environment Threatened Species Recovery Hub. The Hub brings together leading ecological experts to deliver research to improve the management of Australia's threatened species and ecological communities. The fact sheet states that there are estimated to be 3.9 million pet cats in Australia. Of those, 1.1 million pet cats are contained 24 hours a day by responsible pet owners. The remaining 2.7 million pet cats – 71% of all pet cats – can roam and hunt. On average, each roaming pet cat kills 76 reptiles, birds and mammals per year, most of them native to Australia. It is estimated that pet cats in total kill 294 million animals per year.

Cats also benefit significantly from being responsibly managed by their owners, with the average life expectancy of cats that remain within their property at all times being 3-4 times greater than cats that roam freely. Road trauma is one of the biggest threats to roaming cats, but injury from fighting, disease transmission, ingestion of plastics and other harmful materials and similar impacts are common. Recent research undertaken by the National Cat Tracker project also shows that domestic cats commonly roam far further and more frequently than their owners believe. Consequently, there is growing support and action nationally to encourage and/or regulate cats to be contained within their property boundary.

16.3 Motion with Notice - Cat Strategy for the City of Melville, Continued

A number of Perth metropolitan local governments have now introduced local cat laws, incentives such as subsidised neutering, or have undertaken education campaigns to encourage responsible cat ownership. The City recently participated in a collaborative cat owner education project with 5 neighbouring Councils, run by the South West Group, and responded to the state government's Pause For Pause campaign by calling for stronger powers to be introduced in the Cat Act. However there is scope for the City to do more to encourage responsible cat ownership, particularly as; there is little current action at state level to strengthen the Cat Act; the City of Fremantle recently introduced a local cat law which excludes cats from natural areas; and the City of Cockburn is introducing a similar local law and is seeking to have all cats contained within their owner's property at all times, by 2025.

Currently the mechanisms available to the City, either under current legislation or potentially available after amendment to the Cat Act, include:

- behaviour change through education/awareness, along the lines of the SWG's existing program (working with them);
- enforcement under the current Cat Act including infringements for Cat Act offences, cat control notices, seizure/impoundment;
- A local law that could under current legislation:
 - specify and prohibit nuisance behaviour;
 - specify places where cats are prohibited absolutely;
 - require in specified areas (eg within 1 km of prohibited areas) that premises at which a cat is kept must have a portion enclosed in a manner capable of confining cats;
 - limit the number of cats that may be kept at specified premises;
 - regulation of approved cat breeders.

Procedural Motion**COUNCIL RESOLUTION**

At 10:06 Cr Pazolli moved, seconded Cr Barton –

That the following items be deferred to the 16 March 2021 Ordinary Meeting of Council:

- **M21/5803 – Review of Council Policy CP-018 Terms of Office**
- **Motion 16.2 Complaints Management - CEO**
- **Motion 16.4 Review of Land Use Restrictions at 71 – 77 Leach Highway/ 2 – 6 Webber Road, Willagee**
- **Motion 16.5 Investigation/Development of a Policy into the Phasing out of Single Use Plastics at Events in the City of Melville**
- **Motion 17.1 Review of Policy CP-017**
- **Motion 17.2 Organisational culture change**

At 10:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

M21/5800 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2021 (AMREC)

Item brought forward.
See page 90.

M21/5801 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 15, 22 AND 29 SEPTEMBER 2020 (REC)

Item brought forward.
See page 95.

M21/5803 – REVIEW OF COUNCIL POLICY CP-018 TERMS OF OFFICE (REC)
(ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Corporate Policy
 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 : M19/5664 Management Services Policy Review (February 2019 Ordinary Meeting of Council)
 M20/5797 – Late Item Governance Committee Representation and Presiding Member (December 2020 Ordinary Meeting of Council)
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**M21/5803 – REVIEW OF COUNCIL POLICY CP-018 TERMS OF OFFICE (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council Policy CP-018 Terms of Office is due for review. This policy has been in place for a significant number of years and seeks to provide more opportunities for Elected Members to perform the role of Deputy Mayor by rotation and by voluntary resignation after twelve months of occupying the position.
- The *Local Government Act 1995* deals with the position of Deputy Mayor, including appointment, role, allowances and resignation.
- This report recommends the Policy be revoked and the Deputy Mayor determine their term in the role in accordance with the provisions of the Act and their personal circumstances.

BACKGROUND

At the Ordinary Meeting of Council held 8 and 9 December 2020, the Council considered the membership of the City's Governance Committee, and resolved as follows:

"That the Council:

- 1 Resolve by absolute majority decision that Cr Pazolli remain as a member on the Governance Committee;*
- 2 Notes that the practice of the Deputy Mayor holding the position for a period of 12 month period only in accordance with Council Policy CP-018 "Terms of Office" will be reviewed in February 2021 with any changes to be implemented following the October 2021 councillor elections."*

This policy was previously reviewed at the Ordinary Meeting of Council held 15 February 2019. [5803 CP-018 – Terms of Office](#)

DETAIL

Council Policy CP-018 Terms of Office appears to have been in place for in excess of 20 years and was last reviewed in February 2019. The objective of the Policy is to increase the number of opportunities for Elected Members to perform the role of Deputy Mayor, with the intention that the Deputy Mayor resign from the position after twelve months to enable another election for the position to be undertaken.

The position of Deputy Mayor is referred to in the Local Government Act 1995, which requires:

- Section 2.9 – that the deputy mayor performs the functions of the Mayor when authorised to do so under section 5.34 (if the office of Mayor is vacant, and when the Mayor is not available to, or unable or unwilling to perform the functions of Mayor).
- Section 2.15 – that the Deputy Mayor is elected by the Council, by secret ballot.

**M21/5803 – REVIEW OF COUNCIL POLICY CP-018 TERMS OF OFFICE (REC)
(ATTACHMENT)**

- Section 2.17 – that if the method of filling the office of Mayor is election by electors, the Council is to consist of not less than 5 and not more than 14 councillors, one of whom is to hold the office of deputy mayor in conjunction with his or her office as a councillor.
- Section 2.29(2) – that a person elected by the council as Deputy Mayor is to make a declaration in the prescribed form before acting in the office.
- Section 2.28, item 12 – the term of office for a Deputy Mayor is from the time they are elected until the start of the next meeting after the next ordinary election.
- Section 2.31 – provides for a councillor to resign from the office of Deputy Mayor (and still remain a councillor).

The Local Government Act 1995 provides for the position of Deputy Mayor be filled at the first meeting after an ordinary local government election, which means that an Elected Member will hold the position of Deputy Mayor for two years from one ordinary election until the next ordinary election. Ordinary local government elections are held on the third Saturday in October biennially.

Additionally, the Deputy Mayor may preside at meetings of the Council or electors meeting if the office of Mayor is vacant or if the Mayor is unable or unwilling to preside at such meetings and the Council may resolve to pay the deputy mayor an additional allowance as determined annually by the Salaries and Allowances Tribunal.

In recent times, the application of Council Policy CP-018 Terms of Office has caused confusion in that the Deputy Mayor also holds an ex-officio position on the Governance Committee. In October 2020, the then Deputy Mayor, Councillor Pazolli, resigned from the position of Deputy Mayor in accordance with the intent of Council Policy CP-018. This had the unintended effect of also removing Cr Pazolli from his position as Chairperson of the Governance Committee. This matter then took significant time and effort to resolve.

The policy requests “voluntary” resignation from the office of deputy mayor after 12 months, however it does not prevent the incumbent from renominating for the position and it cannot over-ride the provisions of the *Local Government Act 1995*.

The *Local Government Act 1995* specifically addresses the position of Deputy Mayor, how the office is elected, the role of the position, the term and the process for resigning from the position and does not prevent an Elected Member from resigning from the office of Deputy Mayor, whilst retaining the position of Councillor.

The current review structure of the policy does not provide an opportunity for the incoming new Council to confirm that the policy reflects the position of the Council of the day.

It is recommended, that to avoid further confusion, that the policy be revoked and each individual Elected Member elected to the office of Deputy Mayor determine if and when they wish to voluntarily resign from the office of Deputy Mayor, in accordance with the provisions of the *Local Government Act 1995*, and based on their individual circumstances.

**M21/5803 – REVIEW OF COUNCIL POLICY CP-018 TERMS OF OFFICE (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The election of the Deputy Mayor is a matter for the Council to undertake and therefore no community input has been sought on this policy review.

II. OTHER AGENCIES / CONSULTANTS

No consultation with external agencies or consultants has been sought in relation to this report.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* makes reference to the position of Deputy Mayor, as outlined in this report.

FINANCIAL IMPLICATIONS

Council Policy CP-091 Elected Members Allowances and Expenses, as adopted by the Council at the 21 and 22 July Ordinary Meeting of Council provides for the Deputy Mayor to be paid an allowance of 25% of the Mayoral Annual Allowance, as determined by the Salaries and Wages Tribunal and adopted by the Council.

All Elected Member allowances and expenses, including the Allowance paid to the Deputy Mayor are provided for in the annual budget process.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

This report is the review of a current policy of the Council, the subject of this policy is dealt with under the *Local Government Act 1995*.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to revoke Council Policy CP-018 – Terms of Office and their would be limited change to current practices.

**M21/5803 – REVIEW OF COUNCIL POLICY CP-018 TERMS OF OFFICE (REC)
(ATTACHMENT)****CONCLUSION**

As outlined in this Report the position of Deputy Mayor is comprehensively and clearly provided for in the Local Government Act 1995. The intent of the policy whilst worthwhile is not always practical when considering the personal circumstances and commitments of the each individual Elected Member and it is recommended the policy be revoked.

OFFICER RECOMMENDATION (5803) APPROVAL

That the Council revoke Council Policy CP-018 – Terms of Office.
5803 CP-018 – Terms of Office

M21/5000 – COMMON SEAL REGISTER (REC)

Item brought forward
See page 99.

C21/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2020 (REC)

Item brought forward
See page 102.

C21/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2020 (REC)

Item brought forward
See page 109.

**C21/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2020 (REC)
(ATTACHMENT)**

Item brought forward.
See page 116.

**C21/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2020 (REC)
(ATTACHMENT)**

Item brought forward.
See page 120.

**C21/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2020 (AMREC)
(ATTACHMENTS)**

Item brought forward.
See page 124.

**C21/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2020 (AMREC)
(ATTACHMENTS)**

Item brought forward.
See page 132.

C21/5806 - SUPPLY OF WASTE RECOVERY TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)

Item brought forward.
See page 141.

M21/5811 – LATE ITEM FROM THE GOVERNANCE COMMITTEE – REVIEW OF THE CITY OF MELVILLE (REC) (ATTACHMENT)

Item brought forward.
See page 81.

M21/5812 – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (AMREC) (CONFIDENTIAL ATTACHMENTS)

Item brought forward.
See page 163.

P21/3906 – CHILD CARE PREMISES – LOT 1 (NO.2C) MATHESON ROAD, APPECROSS (REC) (ATTACHMENT)

Item brought forward.
See page 11.

15. EN BLOC ITEMS

Item brought forward.
See page 145.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Alchera Living – Community Engagement**

Item brought forward.
See page 88.

16.2 Complaints Management - CEO

That the Council moves that all Elected Members receive a copy of any complaint made against the CEO once received by any party.

Reasons for the Motion without Notice as provided by Cr Kepert

At present the City of Melville has no clear process for dealing with complaints made against the CEO. The only reference is made under section 8.3 of the Code of Conduct (Employees):

“Where an employee or Elected Member believes that the Chief Executive Officer has failed to comply with the Code of Conduct, they should report the matter to the Mayor who will report the matter to the Governance Committee. The Council’s Governance Committee will be responsible for the investigation of allegations of breaches of the Code of Conduct by the Chief Executive Officer and must either:

- investigate the alleged breach; or*
- engage an independent person to investigate the allegation.”*

A number of complaints have recently been made against the CEO but Councillors have not been informed of their content. It is vital that all Councillors receive this information promptly so that they can carry out their duties in accordance with section 2.7(1) of the *Local Government Act 1995*:

2.7. Role of council

(1) The council —

- (a) governs the local government’s affairs; and
- (b) is responsible for the performance of the local government’s functions.

16.3 Cat Strategy for the City of Melville

Item brought forward.
See page 170.

16.4 Review of Land Use Restrictions at 71 – 77 Leach Highway/ 2 – 6 Webber Road, Willagee

That the Council request the CEO to investigate review of land use restrictions at 71-77 Leach Highway and 2-6 Webber Road, Willagee with a view to modifying Local Planning Scheme 6 to provide greater flexibility in land use permissibility.

Reasons for the Motion as provided by Cr Wheatland

Land use at this C4 centre zone is not subject to the standard land use permissibility of other centre zones within LPS6. Instead land uses are restricted to a limited number of uses identified as “restricted uses” in the Scheme.

Historically these restrictions on land use were imposed in recognition that much of the available parking for this centre will ultimately be removed when the Stock Road/Leach Highway interchange is constructed. Accordingly, a limited range of uses (which were considered to have lower parking demands) have been identified for this site.

The recent refusal of an application for a yoga studio on site (which didn’t meet the restrictive use requirements of LPS6) was an example of this.

These current controls are restricting opportunities for the centre to thrive and provide uses and services for the community.

An opportunity exists to explore different land use controls which still recognise the parking constraints on the site but provide greater flexibility to consider suitable land uses.

This location was previously tenanted by a TAB and the DOT Licensing Centre. The DOT Licensing Centre vacated this commercial property in December 2019, and it has left a big void. Additionally, the TAB has since shut, due to the COVID-19 pandemic. As a consequence, the existing deli that was a long-term tenant of this centre also shut down, and it has left the zone almost deserted. There is a new business in the old deli site, yet the large commercial premises where the TAB and licensing Centre were once is still empty. Without this change of use I fear for the future of the tenants, and property owners of this Activity Centre.

16.5 Investigation/Development of a Policy into the Phasing out of Single Use Plastics at Events in the City of Melville

That the Council directs the CEO to investigate and develop a policy framework to phase out single use plastics at events, markets and any other activities, where these would be potentially used, on council owned/managed land and council sponsored events by July 1st 2021. This could also include schools within the City, which may require further lobbying to the State Government to also commence the same approach.

Reasons for the Motion as provided by Cr Wheatland

Plastic is inescapable in our daily lives. It is used to make everything from food packaging to toiletries, clothing, furniture, computers and cars. The same characteristics that drive mass production and use of plastic render it an environmental menace. Depending on the type, plastic can take between a few decades to potentially millions of years to disintegrate in landfill (Lau et al., 2020). Although plastic readily deteriorates, breaking up into ever smaller pieces, it is not biodegradable and reductions in size increase its ability to damage ecosystems and cause ill effects to the environment and human health. Unless burned, which itself causes pollution, nearly every piece of plastic ever manufactured still exists today.

It is estimated between 8-12 tonnes of plastic enters the ocean annually from land sources (Jambeck et al., 2015), its ill effects will be felt for centuries. Globally, we produce more than 300 million tons of plastic waste each year, and that number is rising. Yet of all the plastic waste ever created, only 9% has been recycled, while the rest has been incinerated or discarded, mainly ending up in landfills. A big reason for this is that 50% of the plastic we produce is single use, meaning it's intended to be thrown away immediately after it has served its purpose – like straws, plastic carrier bags and water bottles.

The CSIRO states within Australia most plastic marine debris is from Australian sources and associated with the food and beverage industry. Further, production of so called biodegradable single-use solutions impinge on arable lands and are a cause of land clearing in order to produce a perceived product of guilt-free convenience. These products must be specially treated in order to fulfil their promise of an eco-solution. They have the potential to damage recycling systems if entered into the wrong waste stream, and in a conventional landfill system are no different to conventional plastics.

The vast majority of waste enters the water from land (80%). It is estimated under a business as usual scenario that by 2040 the amount of plastic litter entering our oceans will be 80 million tonnes annually (Lau et al., 2020). With a “reduce and substitute” scenario, this becomes 30 million tonnes. However, only with systems change, such as is proposed here, plastic litter in 2040 can be less than today. As our City is along some of the most pristine and fragile waterways of the Swan and Canning Rivers we need to be mindful of what plastic pollutants, enter our waterways. Additionally, the ocean is also the endpoint for our rivers, which carry tonnes of loose litter and waste from landfills, ultimately depositing it into the sea.

16.5 Investigation/Development of a Policy into the Phasing out of Single Use Plastics at Events in the City of Melville Continued

Once broken down further plastics form particles of less than 5mm in diameter, called microplastics which sends this pollutant further and wider, invading more habitats and affecting more species. Less visible is the devastation that occurs through the ingestion of plastic: seabirds, turtles, fish, and whales commonly mistake plastic waste for food, because some has a similar colour and shape to their prey. Floating plastic also accumulates microbes and algae on the surface that gives it an odour appetising to marine animals. Once animals consume it, ingested plastic can pierce internal organs or cause fatal intestinal blockages; it also leads to starvation, because a stomach crammed with plastic gives an animal the illusion of being full.

In March of 2020 just on the cusp of the Covid pandemic, I participated in a Nurdle hunt at Pt Walter with Claire O'Loughlin, Regional Coordinator for AUSMAP, who conducts citizen science surveys of microplastic to empower and educate the community regarding the large amount of this pollution and dangerous plastic on our very doorstep. I was shocked at the amount of microplastics that we discovered and saw the evidence that these were coming from further upstream getting washed out of our waterways and into the sea.

There is a tremendous opportunity to be a world leading Council in reduction of single use plastics for our community. In a survey by DWER it was found "98% of respondents support further actions to reduce single-use plastics in WA". There are existing examples of markets in the Perth metro area attracting participants and winning nation-wide awards as a result of their stance on reducing waste and single use plastic. This is good for business. As a leading Council in the FOGO strategy I believe that this is needed and would put the COM at the forefront of being serious about reducing plastic pollution from landfill, from damaging our waterways and also our fragile animal habitats.

16.6 Donation to Lord Mayor's Distress Relief Fund – Wooroloo and Hills Bushfire Appeal 2021

Item Brought forward
See page 86.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**17.1 Review of Policy CP-017**

The Council will review CP-017 Legal Representation Policy Elected Members and Employees

Reasons for the Motion as provided by Cr Kepert

There has been much confusion as to the intended purpose of this policy and inconsistencies in its application.

17.2 Organisational culture change

The Council directs the CEO to provide a shortlist of consultants specialising in organisational culture, organisational change & development for the selection by the Council at the March 2021 Ordinary Meeting of Council.

The consultants are required to possess suitable postgraduate qualifications from a major Western Australian university.

The consultant will be tasked with assisting the Council in overseeing cultural change in the City's administration with terms of reference to be determined by the Council.

The administration is precluded from issuing the consultant(s) any brief or term of reference.

Reasons for the Motion as provided by Cr Kepert

The Council has previously agreed to undergo organisational culture change but has not set clear directions for doing so. In recent months the Council has been engaging with a consultant selected by the administration that has been dealing with peripheral matters.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 10:07pm.