



City of  
**Melville**

# **MINUTES**

## **ORDINARY MEETING OF THE COUNCIL**

**6.30pm Tuesday, 13 December 2022**  
Held in the Council Chambers, Melville Civic Centre  
10 Almondbury Road, Booragoon

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

### **Minutes to be confirmed at the next Ordinary Council Meeting**

These minutes are hereby confirmed as true and accurate

Mayor Gear \_\_\_\_\_

Date \_\_\_\_\_



## Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

## Our Mission

To provide good governance and quality services for the City of Melville community.

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



## MAKING A DEPUTATION

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website [Request to make a Deputation](#).

## PUBLIC QUESTION TIME

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website [Public Question Time](#).

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

## **Disclaimer**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

## **Audio Recording access to Recording**

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

---

## CONTENTS

Attendance and Apologies	5
Public Question Time	7
Confirmation of Minutes	11

### REPORTS FROM COMMITTEES

C22/5944	CEO Performance Review Framework 1 July 2021 to 30 June 2022 <b>(En bloc)</b>	12
M22/5946	City of Melville Community Annual Report 2021-2022	16
C22/6188	City of Melville Annual Financial Report for 2021-2022	22

#### Item Brought Forward

C22/5940	Petition Site Survey 18A and 18B Tweeddale Road, Applecross	32
----------	---	----

Confirmation of Minutes <b>(Item Deferred)</b>	41
--	----

#### Item Brought Forward

UP22/4005	Kardinya Activity Centre Plan and Associated Scheme Amendment	43
-----------	---	----

### REPORTS

#### Management Services

M22/5000	Common Seal Register <b>(En bloc)</b>	63
M22/5927	Independent Review – Weir Legal and Consulting Report	66
M22/5942	Advertising Public Notices in the Fremantle Herald Melville Edition <b>(En bloc)</b>	75

#### Corporate Services

C22/6000	Investment Statements for October 2022 <b>(En bloc)</b>	83
C22/6001	Schedule of Accounts Paid for October 2022 <b>(En bloc)</b>	90
C22/6002	Statements of Financial Activity for October 2022	94
C22/5940	Petition Site Survey 18A and 18B Tweeddale Road, Applecross <b>(Item Brought Forward)</b>	101
C22/5947	Council Meeting Schedule 2023 <b>(En bloc)</b>	102
C22/5950	Deferral of Consideration of New Policy CP-118 Code of Conduct Behaviour Complaints Committee <b>(En bloc)</b>	107

#### Community Development

CD22/8152	Alfred Cove Child Health Centre	110
CD22/8156	Vacant Block Petition - Murdoch	118

#### Environment and Infrastructure

EI22/4010	Mount Pleasant Bowling Club Pre-Tender Cost Estimate	126
-----------	--	-----

#### Urban Planning

UP22/4005	Kardinya Activity Centre Plan and Associated Scheme Amendment <b>(Item Brought Forward)</b>	130
UP22/4007	Review of Local Planning Policy 1.2 – Design Review Panel	131

#### Late Items

C22/5949	RFQ222325 Supply 5 Side Loading Domestic Waste Trucks	139
----------	---	-----

### MOTIONS

#### With Previous Notice

15.1	Covers for Bowling Greens at Leeming Bowling Club	144
15.2	Submission to Draft Position Statement – Child Care Premises	145
15.3	Tree Canopy Cover	146
15.4	WALGA Governance Review	148
15.5	Corella Management Plan	149

#### Without Previous Notice

Nil.

### MATTERS FOR WHICH THE MEETING WAS CLOSED

Nil.

## 1 OFFICIAL OPENING

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

## 2 ATTENDANCE AND APOLOGIES

### In Attendance

Hon George Gear

Mayor

#### Councillors

Cr T Fitzgerald (Deputy Mayor)

Cr N Pazolli

Cr C Ross

Cr D Macphail

Cr N Robins

Cr G Barber

Cr J Edinger (*Until 8:57pm*)

Cr J Spanbroek

Cr M Woodall

Cr M Sandford

Cr K Mair

#### Ward

Palmyra – Melville – Willagee (electronic attendance)

Applecross – Mount Pleasant (electronic attendance)

Applecross – Mount Pleasant

Bateman – Kardinya – Murdoch

Bateman – Kardinya – Murdoch

Bicton-Attadale-Alfred Cove Ward

Bicton – Attadale – Alfred Cove (electronic attendance)

Bull Creek – Leeming

Bull Creek – Leeming

Central

Central

### Officers

Mr M Tieleman

Mr M McCarthy

Ms G Bowman

Mr P Deague

Mr G Ponton

Ms C Newman

Ms R Davis

Chief Executive Officer

Director Environment and Infrastructure

Director Community Development

Senior Executive Support Officer (Urban Planning)

Manager Strategic Urban Planning

Head of Governance

Governance Officer

At the commencement of the meeting:

Public Gallery 11

Electronic 3

Press 0

At 6:32pm the Mayor brought forward Applications for New Leaves of Absence, in response to an application for leave submitted by Cr Wheatland for this evening's Ordinary Meeting of Council.

## 8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

### COUNCIL RESOLUTION

At 6:32pm Cr Barber moved seconded Cr Robins –

**That applications of new leaves of absence submitted by Cr Wheatland on 13 December 2022 be received.**

At 6:32pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

## **Apologies**

Mr A Ferris Director Corporate Services

## **On Approved Leave of Absence**

Cr K Wheatland Palmyra – Melville – Willagee

## **3 DECLARATIONS BY MEMBERS**

### **3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.**

Nil.

### **3.2 Declarations by Members who have received and not read the Elected Members Bulletin.**

Nil.

## **4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

### **Approved Deputations:**

Nil.

### **Approved Written Submissions:**

Nil.

## **5 DISCLOSURES OF INTEREST**

### **5.1 Financial or Proximity Interests**

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

- Cr J Edinger  
Item EI22/4010 Mount Pleasant Bowling Club Pre-Tender Cost Estimate

### **5.2 Disclosure of Interest That May Cause a Conflict**

Under 22 Local Government (Model Code of Conduct) Regulations 2021 or a City of Melville Code of Conduct)

- Cr J Spanbroek  
Item 15.1 Covers for Bowling Greens at Leeming Bowling Club Motion with Notice
- Cr G Barber  
Item EI22/4010 Mount Pleasant Bowling Club Pre-Tender Cost Estimate

## 6 PUBLIC QUESTION TIME

At 6:33pm the Mayor opened Public Question Time.

*At 6:40pm Cr Barber left the meeting and returned at 6:41pm.*

### 6.1 Questions Received with Notice

#### 6.1.1 Mr M FitzGibbon, Melville

Mr Fitzgibbon was not in attendance at the meeting to ask the questions submitted with notice. A summary of the questions and responses is provided below:

*The Minutes of the OMC of 20 September 2022, at Public Question Time item 6.1.1, advised in response to a question about the City's third party accreditation of its management system, that "The City maintains its third party accreditation and has the next re-certification audit scheduled for October 2022."*

*Will the City please advise the following post audit outcomes;*

#### Question 1

*How many non-conformances were received?*

#### Response

- No non-conformances were identified at this recertification Audit.
- One minor Nonconformance from the previous Audit was also reviewed and Corrective actions with respect to non-conformities raised at the last assessment were found to be effectively implemented and closed.
- The City did receive recommendations for seven 'Opportunities for Improvement' (OFI) to consider. Two of these OFIs were in the Environmental Management System and Five were in the Quality Management System

#### Question 2

*Was the City's management system re-certified by the third party auditing body.*

#### Response

The Recertification Audit for City's Environmental Management System and Quality Management System were conducted by British Standards Institution (BSI) Australia and the City was recommended for recertification to the ISO 9001:2015 and ISO14001:2015 standards.

The City was commended on:

- Escalated efforts in digitization of records and using technology to improve efficiency.
- Increased use Remote Information Technology and tools, such as Teams and software tools on portable devices such as iAuditor for Operations, equipping staff for portable information, communication and record keeping.
- Embracing Sustainability Development Goals (SDGs) to promote prosperity while protecting the planet and work towards a more sustainable future. City of Melville has adopted SDGs framework for planning, benchmarking and sustainability reporting.
- Using ISO Certification to verify that the system that they developed meets the requirements of ISO 9001 and ISO 14001 standards.

6.1.1 Mr M FitzGibbon, Melville, continued.

Question

*Any other items of relevance post the audit?*

Response

The City will work on the advised Opportunities for Improvement and work on further steps to continue improving the management system as required by the City's needs.

**6.1.2 Mr S Wallace, Representing the City of Melville Resident and Ratepayers Association (Inc)**

Question 1

*Have or do City officers intercept or screen emails coming and going from Elected Members' City of Melville mailboxes, or otherwise access Elected Members' mailboxes to read Elected Members' email exchanges with residents, other members of the public, or other Elected Members without the consent or the knowledge of the relevant Elected Members or the resident involved.?*

Response

The City administration does not actively screen or intercept email interactions between our community and Elected Members. Where emails are copied to an administration email address, they are read for the purpose of filing in the City's document management system.

Where a Freedom of Information request has been received, prescribed staff may view email correspondence that may fall within scope of the request.

It should be noted that all emails from to and from an Elected Members email address are records of the City of Melville under the *State Records Act 2000*.

Question 2

*Are any Elected Members concerned that the City Administration's interception or accessing of emails between residents and their Elected Members may significantly erode the community's confidence in having open and honest dialogue with their Elected Members and reduce the community's engagement with Elected Members?*

Response

This question should be directed to individual Elected Members for response.

### **6.1.3 Mr M FitzGibbon, Melville**

Mr Fitzgibbon was not in attendance at the meeting to ask the questions submitted with notice. A summary of the question and response is provided below:

#### Question 1

*Can the City please explain, with reference to Note 15 of the Annual Financial Report 2021-2022, the very high amount of \$41,164,311 recorded as an increase in footpath revaluation surplus?*

#### Response

The term Revaluation Surplus in this context refers to the change in the City's valuation of its footpath assets. The fair value of infrastructure assets is required to be determined every 5 years. However, at the end of each financial year the City is required to review valuations and where appropriate adjust the fair value to reflect current market conditions. The value in 2021-22 increased due to a number of factors:

- New unit rates have been calculated based on actual project costs
- An increase in the ABS Index (3101 Road and Bridge Construction Western Australia) has been applied to unit costs

Of these the biggest impacts have been a review that changed the way path unit rates were calculated and a significant increase in the ABS Index. The unit rates were due for review and in accordance with current best practice were calculated using an average of relevant recent project costs. These changes resulted in a significant increase in the unit rates for concrete especially and resulted in the change in the report.

## **6.2 Questions Received at the Meeting**

### **6.2.1 Mr M McLerie, Bicton**

#### Question 1

*Why did the Chief Executive Officer effectively reaffirm the advice he gave to council at least week's ABF in response to an Elected Member's questions about specific provisions of the FOI Act, along the lines of:*

*"City officers who are no longer employees of the City are now considered private individuals and it is appropriate that their names are redacted in this version of the Weir Report that we are asking Council to decide to put out to the public.*

*Without double checking that advice prior to pre-emptively responding to an email the day after the ABF that the CEO accessed and read without the knowledge of the resident sender or the sole Elected Member recipient of that email?*

*At 6:45pm the Mr McLerie submitted a document in relation to the question, for viewing by Elected Members.*

#### Response

This question was taken on notice.

6.1.1 *Mr M McLerie, Bicton continued.*

Question 2

*I note the FOI Act does specifically enable the identities and positions of past employees of the City to be included in any material released in under the FOI, but does not state the past employees of the City employees should be considered as private individuals. Please correct me if I am wrong.*

Response

This question was taken on notice.

**6.3 Questions Taken on Notice at Previous Meeting**

Ordinary Meeting of Council, 15 November 2022

**6.3.1 Mr M Burns, Applecross**

Mr Burns raised non-compliant crossovers within the Canning Bridge Activity Centre as well as a near miss incident between a pedestrian and a speeding car.

Question 1

*Why does the City continue to abdicate its responsibility to providing a safe and healthy Melville to citizens in the Canning Bridge area?*

Response

The City acknowledges its responsibility to provide a Safe and Healthy Melville to all residents and visitors to the City. The City will investigate any safety or potential non-compliance issues brought to its attention to determine if there is a safety risk and undertake any required action.

Question 2

*How can the City not be responsible for the traffic environment that building approvals have created, resulting in Canning Bridge being an unsafe place?*

*How can the City fail to be responsible for the effect that multiple road closures and detours are fording pedestrians and high speed traffic into conflict more and more?*

Response

Where road closures inevitably cause localised inconvenience to amenity, City Officers across the organisation make great efforts to reduce these disruptions where possible. It is not practical for the City to be responsible for the traffic environment created as a result of development, noting that construction companies are ultimately in charge of, and responsible for, traffic management associated with their developments in accordance with approved traffic management plans. The City has been working with construction companies and service providers to ensure better coordination of traffic management measures, and will continue to do so going forward.

At 6:47pm the Mayor closed Public Question Time.

**7 AWARDS AND PRESENTATIONS**

Nil.

**8 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

**Item Brought Forward**

See Page 4.

**9 CONFIRMATION OF MINUTES**

**Item Deferred**

See Page 40.

**10 NEW BUSINESS OF AN URGENT NATURE**

Nil.

**11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

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

- Item C22/5949 – RFQ222325 Supply 5 Side Loading Domestic Waste Trucks
- Item M22/5927 – Independent Review – Weir Legal and Consulting Report

**12 PETITIONS**

Nil.

**13 ADOPTION OF RECOMMENDATIONS EN BLOC**

**COUNCIL RESOLUTION**

At 6:49pm Cr Robins moved, seconded Cr Barber –

**That the recommendations for:**

- **C22/5944 – CEO Performance Review Framework 1 July 2021 to 30 June 2022**
- **M22/5000 – Common Seal Register**
- **M22/5942 – Advertising Public Notices in the Fremantle Herald Melville**
- **C22/6000 – Investment Statements for October 2022**
- **C22/6001 – Schedule of Accounts Paid October 2022**
- **C22/5947 – Council Meeting Schedule 2023**
- **C22/5950 – Deferral of Consideration of New Policy CP-118 Code of Conduct Behaviour Complaints Committee**

**be carried En Bloc.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**14 REPORTS**

**14.1 Reports from Committees**

**C22/5944 – CEO PERFORMANCE REVIEW FRAMEWORK 1 JULY 2021 TO 30 JUNE 2022  
(REC) (ATTACHMENT)**

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 M21/5812 – Chief Executive Officer Performance Review - Ordinary Meeting of Council, 16 February 2021  
 Item M21/5824 – Late Item – Chief Executive Officer Performance Criteria and Key Performance Indicators - Ordinary Meeting of Council, 16 March 2021  
 Item M21/5863 – Chief Executive Officer Performance Review – Ordinary meeting of Council, 21 September 2021  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Alan Ferris  
 Director Corporate 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 &amp; 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"/>	<b>Information</b>	<b><i>For the Council/Committee to note.</i></b>

**C22/5944 – CEO PERFORMANCE REVIEW FRAMEWORK 1 JULY 2021 TO 30 JUNE 2022  
(REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In accordance with the Council resolution (Item C18/5655 – Chief Executive Officer Recruitment – Special meeting of Council 12 November 2018) a five-year contract with the Chief Executive Officer (CEO) was entered into which became effective from 20 November 2018.
- In keeping with the requirements of the *Local Government Act 1995* the CEO's contract contains a requirement for an annual review, and there are elements of the employment contract which specify some elements that must occur.
- The annual CEO performance review process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee. The Governance Committee has been determined by the Council to be the reviewers of the CEO performance.
- It has been for the Governance Committee to discuss the CEO's performance, future expectations, performance criteria, performance development plan and review the salary package, for recommendation to the Council.
- Each year a defined process that has been developed by the Administration is reviewed by the Committee and adopted by the Council, incorporates a proposed performance survey to be completed by Elected Members.
- A new CEO Performance Framework has been developed by the Governance Committee in conjunction with Ms Hardcastle.
- Ms Hardcastle has been engaged to undertake the 1 July 2021 to 30 June 2022 CEO Performance Review.

**BACKGROUND**

The CEO was appointed on 20 November 2018. The *Local Government Act 1995* requires that the Council review the CEO's performance at least once a year in relation to every year of employment.

At a Special Meeting of Council held 11 February 2020 it was resolved:

**“That the Council commence the process for the review of the Chief Executive Officer Performance, Performance Criteria and Remuneration Review for the period up to 30 June 2020 and then annually on that date thereafter. Any remuneration amendments are to take effect from 20 November of that same year.”**

This resolution was to align with the end of the financial year and annual reporting period, the adoption of the budget and so that future reviews will be completed by the outgoing Council and not be undertaken by newly Elected Members after biennial October elections.

At the Special Meeting of Council held 20 July 2021 the Council resolved:

**“That the Council:**

- 4. that at the conclusion of the 30 June 2021 Chief Executive Officer Performance Review, the City commence the advertising and appointment of a consultant to develop the performance indicators for, and undertake the 1 July 2021 to 30 June 2022 Chief Executive Office Performance Review.”**

**C22/5944 – CEO PERFORMANCE REVIEW FRAMEWORK 1 JULY 2021 TO 30 JUNE 2022  
(REC) (ATTACHMENT)**

**DETAIL**

In February 2022, Learning Horizons (Helen Hardcastle) was engaged to undertake the creation of a new CEO Performance Framework, which included CEO Performance feedback and the setting of Key Performance Indicators leading into the next CEO Performance Review Process which included the creation of the CEO Performance Framework. This process included interviews with Elected Members and presentations to the Governance Committee.

The [Draft CEO Performance Review Framework](#) has been finalised by the Governance Committee and approved by the Chief Executive Officer, with the request for one minor amendment being that the title be amended from CEO Performance Framework to CEO Performance Review Framework.

It is acknowledged that the overall process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee, and is supported administratively by the Head of People and Culture, who acts under the Mayor's guidance.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The annual CEO performance review process is the determination of the Council and community consultation is not required.

**II. OTHER AGENCIES / CONSULTANTS**

There is no requirement for engagement with other agencies or consultants.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

There is a cost associated with a Consultant assisting the Council in undertaking the CEO Performance Review and this is provided for each year in the budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The risk management implications of non-compliance with processes and legislative requirements may leave the City open to challenge on decisions or processes. There are no Environmental Management Implications in this report.

**C22/5944 – CEO PERFORMANCE REVIEW FRAMEWORK 1 JULY 2021 TO 30 JUNE 2022  
(REC) (ATTACHMENT)**

**POLICY IMPLICATIONS**

Council Policy CP – 117 City of Melville Standards for CEO Recruitment, Performance and Termination apply to the CEO Performance Review Process.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as the requirements for a performance review are mandatory.

**CONCLUSION**

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

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

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5944)**

**APPROVAL**

**That the Council:**

- 1 Approve the [Draft CEO Performance Review Framework](#), as amended; and**
- 2 Notes that Ms Helen Hardcastle, Learning Horizons has been engaged to undertake the 1 July 2021 – 30 June 2022 CEO Performance Review.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : City of Melville Community Annual Report 2021-2022  
 Customer Index : Not Applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item C21/5880 City of Melville Community Annual Report 2020-2021 – Ordinary Meeting of the Council 14 December 2021  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officers : 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The finalised City of Melville Community Annual Report 2021-2022 is submitted for the Committee's consideration and recommendation to the Council for acceptance by absolute majority decision.
- The text and design component of the Community Annual Report 2021-2022 Part A, excluding the financial ratios, was provided to the Council through the Elected Member Bulletin (EMB) in November 2022.
- The Community Annual Report 2021-2022 Part A, together with the Community Annual Report 2021-2022 Part B (Annual Financial Report) includes all the information required by the *Local Government Act 1995 (WA)* and other relevant legislation.
- In accordance with the *Local Government Act 1995 (WA)* section 5.54, the annual report is to be accepted by absolute majority decision no later than 31 December 2022 after the close of the financial year.
- This matter was considered by the Financial Management, Audit, Risk and Compliance Committee meeting held 8 December 2022.

**BACKGROUND**

In accordance with Section 5.53(1) of the *Local Government Act 1995 (WA)* (the Act), a local government is required to prepare an annual report for each financial year, which is to include an annual financial report.

Section 5.54 of the Act requires that the annual report, inclusive of the annual financial report, be accepted by the local government no later than 31 December after that financial year, and that that decision is to be by absolute majority decision.

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

Consistent with previous years, the format of this year's report consists of two parts which together comprise the City's annual report:

- Part A: a full text summary and unaudited financial ratios.
- Part B: the audited annual financial report.

**DETAIL**

The Community Annual Report 2021-2022 has been prepared and meets the requirements of the Act. It is designed to report against the *City of Melville Corporate Business Plan 2020-2024*. It also references and reinforces the importance of the *Strategic Community Plan 2020-2030*, which aligns with the Department of Local Government, Sport, and Cultural Industries Integrated Planning Framework.

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

Section 5.53 of the Act requires the annual report to contain the following:

- a report from the Mayor;
- a report from the Chief Executive Officer (CEO);
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993* (WA);
- details of entries made under section 5.121 regarding complaints against Council Members;
  - the number of complaints recorded in the register of complaints; and
  - how the recorded complaints were dealt with; and
  - any other details that the regulations may require.
- such other information as may be prescribed

Section 19B of the *Local Government (Administration) Regulations 1996* (WA) requires the following information to be included in the Annual Report:

- the number of employees of the local government entitled to an annual salary of \$130,000 or more;
- the number of those employees with an annual salary entitlement that falls within each band of \$10,000 over \$130,000
- any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year
- any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year
- The remuneration paid or provided to the CEO during the financial year
- The number of council and committee meetings attended by each council member during the financial year
- If available, the gender, linguistic background, and country of birth of council members
- If available, the number of council members who are aged:
  - between 18 years and 24 years; and
  - between 25 years and 34 years; and
  - between 35 years and 44 years; and
  - between 45 years and 54 years; and
  - between 55 years and 64 years; and
  - over the age of 64 years;
- If available, the number of council members who identify as Aboriginal and or Torres Strait Islander
- details of any modification made to the local government's strategic community plan during the financial year
- details of any significant modification made to a local government's corporate business plan during the financial year

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

The text of the Community Annual Report 2021-2022 Part A was developed from information gathered from all areas of the organisation and various corporate documents. This text was reviewed by the Chief Executive Officer and the Executive Leadership Team.

**5946 Community Annual Report 2021-2022 Part A and B**

The text and design component of the Community Annual Report 2021-2022 Part A, excluding the financial ratios, was provided to the Council through the Elected Member Bulletin (EMB) in November 2022.

Electors will be made aware that the full version of the annual report consists of two parts, and they can access them in the following ways:

- Part A: online on the City's website and limited numbers in hardcopy, available at the Annual General Meeting (AGM) of Electors and at City of Melville libraries.
- Part B: online on the City's website and available in hard-copy on request.

As per last year, Part A and Part B will not be professionally printed for distribution but will be available on the City's website and Part A in limited numbers in hard copy at City of Melville libraries.

The Council is required by Absolute Majority Decision to accept the complete version of Community Annual Report 2021-2022, inclusive of Parts A and B, by 31 December 2022 and prior to the Annual General Meeting (AGM) of Electors.

**STAKEHOLDER ENGAGEMENT**

In accordance with section 5.55 of the Act, the Chief Executive Officer (CEO) is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government. The notice will include comment that the full annual financial report is available on request.

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants has been carried out as the annual report is a report on the business activities of the City of Melville.

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.27 of the Act specifies that a General Meeting of the Electors is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

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

Regulation 19B of the *Local Government (Administration) Regulations 1996 (WA)* requires additional information to be included in the annual report.

Section 5.54 of the Act specifies that the annual report for the financial year is to be accepted by the local government no later than 31 December 2022 after that financial year.

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

**FINANCIAL IMPLICATIONS**

Funds have been provided in the 2021-2022 budget to enable graphic design, internal printing, promotion, and distribution of Part A of the annual report. As per last year, minimal hard copy annual reports will be published and will not be printed professionally. More sustainable methods such as access via the City's website will be used.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Not publishing an annual report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Ensure the annual report conforms to all requirements through review of report by Executive Leadership Team, Managers and Governance.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

**M22/5946 – CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 (AMREC)  
(ATTACHMENT)**

**CONCLUSION**

The text of the Community Annual Report 2021-2022 Part A is a succinct and accurate reflection of the activities undertaken by the City of Melville in the 2021-2022 financial year and has been prepared in accordance with legislative and regulatory requirements.

The complete Community Annual Report 2021-2022 (inclusive of Parts A and B) is being presented in this report for the Council's acceptance by absolute majority decision.

Following the Council's acceptance, this document will be edited appropriately and made available for all stakeholders on the City's website and Part A in limited numbers in hardcopy at City of Melville libraries.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5946)  
ABSOLUTE MAJORITY**

At 6:49pm Cr Macphail, moved, seconded Cr Pazolli –

**That the Financial Management, Audit, Risk and Compliance Committee recommends that the Council, by Absolute Majority Decision, accepts the City of Melville Community Annual Report 2021-2022, which includes Parts A and B.**

**[5946 Community Annual Report 2021-2022 Part A and Part B](#)**

At 6:51pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Financial Reporting – Annual Financial Reports  
 Customer Index : KPMG Australia under the supervision of the Office of the Auditor General (OAG)  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Item : Item C21/6188 City of Melville Annual Financial Report for 2020-2021 – 14 December 2021 Ordinary Meeting of Council  
 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 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 &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Local Government Financial statement audits are conducted by the Office of the Auditor General (OAG). The OAG appointed KPMG to conduct the audit work for the City of Melville, with the OAG being responsible for issuing the audit opinion.
- This report presents the 2021-2022 Annual Financial Report and a summary of variances. It is recommended that after review and discussion with the OAG and KPMG, the Committee notes the report and recommends the report for consideration by the Council.
- The OAG will provide the Auditor's opinion once the Financial Statements have been considered by the Financial Management, Audit, Risk and Compliance Committee (FMARCC) and when they have received the signed management representation letter.
- Adoption of the Annual Report will take place at the Ordinary Meeting of Council on Tuesday, 13 December 2022.
- The overall closing funds/unrestricted cash amount available to be carried forward to 2022-2023 is \$1.55m. The 2022-2023 Annual Budget assumed that no budget surplus or deficit would be carried forward.
- In accordance with Council resolution (Ordinary Meeting of Council held 21 June 2022 Item C22/6191– Consideration and Adoption of the 2022-2023 Budget); the surplus funds will be transferred to the Rates Equalisation Reserve.
- This matter was considered by the Financial Management Audit Risk and Compliance Committee at their meeting held 8 December 2022.

**BACKGROUND**

The *Local Government Act 1995* (the Act) prescribes the following (but not limited to) in relation to the Annual Report:

- Section 5.53(1) requires a local government to prepare an Annual Report for each financial year.
- Section 5.53(2)(f) states that the Annual Report must contain the financial report for the financial year.
- Section 5.54 requires the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.

The City refers to its Annual Report as the Community Annual Report and presents it in two parts:

- Part A – contains the full-text summary and an extract of the Annual Financial Report
- Part B – contains the full Annual Financial Report and a copy of the letter from the Office of the Auditor General.

The Community Annual Report Parts A and B for 2021-2022 requires acceptance by the Council prior to the Annual General Meeting of Electors.

This report is the vehicle whereby the Council will adopt the full Annual Financial Report for 2021-2022 after consideration by the Financial Management, Audit, Risk and Compliance Committee (FMARCC.) The OAG will provide the Auditor's opinion once the Financial Statements have been considered by the FMARCC and when they have received the signed management representation letter.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

The Annual General Meeting of Electors will need to be scheduled. It is required to be held within 56 days of the adoption of the annual report by Council.

**DETAIL**

This item presents the City of Melville's Annual Financial Report for 2021-2022 and supporting analysis in the following attachments:

1. Variances Report on Rate Setting Statement [6188 Variances Report on Rate Setting Statement](#)
2. Audited Annual Financial Report (including):  
[6188 Annual Financial Report 2021-2022](#)
  - a. Statements of Comprehensive Income by Nature or Type
  - b. Statement of Financial Position
  - c. Statement of Changes in Equity
  - d. Statement of Cashflow
  - e. Rate Setting Statement by Nature or Type
  - f. Notes to and forming part of the Annual Financial Report.

The 2021-2022 Annual Financial Report shows a positive result for the 2021-2022 financial year for the City, with an overall surplus of \$1.55m. In accordance with previous Council resolutions, the surplus is transferred to the Rates Equalisation Reserve to be used to minimise the need to raise rates in future years or to meet any budget shortfalls identified during budget reviews.

A brief analysis of the significant variances which contributed to this positive position is included in the Financial Implications section of this report and in the Variance Report on Rate Setting Statement Attachment [6188 Variances Report on Rate Setting Statement](#)

The financial outcomes for the year are specified in the Annual Financial Report and are summarised in the Financial Implications section of this report.

It is expected that the City will receive an unqualified audit opinion in respect to the 2021-2022 Annual Financial Report. The final report is yet to be received, however there are three general findings from the financial statement audit and four findings in relation to the Information Technology audit. Management will respond accordingly once the final report is received.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No external public consultation has been carried out.

**II. OTHER AGENCIES / CONSULTANTS**

The 2021-2022 financial year is the City's fourth audit under the OAG with KPMG undertaking the work for the first time, on behalf of the OAG.

The OAG and KPMG will report at the FMARCC meeting to discuss the Audit Completion Report including the Audit Findings. The OAG will issue the final Auditor's opinion on the financial statements for 2021-2022 to the Mayor, the Chief Executive Officer (CEO), and the Minister for Local Government once the Financial Statements have been considered by the FMARCC, and when they have received the signed management representation letter.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

The adoption of the financial statements for 2021-2022, including the OAG signed opinion, is scheduled for the Ordinary Meeting of Council on Tuesday, 13 December 2022.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.53 of the Act headed “Annual reports” specifies that: -

- “(1) The local government is to prepare an annual report for each financial year and that.*
- (2) The annual report is to contain...*
  - (f) the financial report for the financial year; ...”*

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

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

Section 5.94 of the Act provides that *“a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection — ... (c) any annual report;”*

Section 6.4 of the Act headed “Financial report” specifies that: -

- “(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to —*
  - (a) be prepared and presented in the manner and form prescribed; and*
  - (b) contain the prescribed information.*
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) the annual financial report of the local government for the preceding financial year.”*

The Annual Financial Report has been prepared in accordance with all relevant legal requirements and accounting standards.

**FINANCIAL IMPLICATIONS**

**Operating Surplus from Statement of Comprehensive Income**

The net result for the 2021-2022 financial year was a net result of \$18.13m as calculated in the Statement of Comprehensive Income.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

The operating surplus is the result of:

- Operating revenue of \$123.9m
- Operating expenditure of \$119.3m
- Non-operating revenue of \$7.5m
- Fair value adjustments to investment properties of \$7.61m
- The City's share of the net loss of the joint venture with the Resource Recovery Group of \$1.66m
- The City's share of the net loss of Carawatha Redevelopment of \$0.162m
- Profit on asset disposals of \$0.094m

**Surplus from Rate Setting Statement**

The surplus for the 2021-2022 financial year was \$1.55m as calculated in the Rate Setting Statement. The surplus is what the City considers to be the funds that are in excess of current need and can be transferred to the Rates Equalisation Reserve. Funds in the Rates Equalisation Reserve can be used to meet unexpected costs or shortfall in funding.

This cash surplus is determined by the inclusion of the following items:

- Operating revenue
- Operating expenditure
- Non-operating revenue
- Capital expenditure
- Reserve account transfers
- Reversal of non-cash items (such as asset depreciation)

This surplus was carefully analysed to fully understand the drivers behind this variance. There are a number of variances that are offset by a corresponding value such as income, expenditure or a transfer to or from reserve. In these cases, the variance does not contribute to the overall surplus and therefore these have not been reflected in the summary below. The key areas contributing to the \$1.55m surplus were:

	<b>Variance</b>
General Purpose Funding positive variance	\$169,782
Operating Income positive variance	\$1,139,489
Operating Expenditure negative variance	(\$662,368)
Net Capital Expenditure negative variance	(\$38,214)
Net Reserve transfers positive variance	\$549,787
Other positive variances	\$393,235
<b>Total Surplus</b>	<b>\$1,551,711</b>

It should be noted that the budget for the year was developed with a degree of uncertainty and included some assumptions around the post COVID-19 impact on the services provided by the City.

However, due to higher than anticipated activity levels, additional revenue was generated in the form of parks and reserve hire fees, building fees, LeisureFit fees, planning fees and several other revenue streams.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

The decreasing reserve balance is due mainly to the net result of the following:

<b>Reserve</b>	<b>Increase /(Decrease) \$</b>	<b>Comment</b>
Community Facilities Reserve	(4.39m)	Transfer to the reserve of \$3.52m based on asset management plans, combined with a transfer from reserve of \$7.99m to fund the actual spend on the new, renewal and upgrade components of community facilities/buildings including Shirley Strickland Reserve Upgrade project and Tompkins Park Redevelopment project.
Fleet Services Vehicles, Plant and Equipment Replacement Reserve	(690k)	Transfer to reserve of \$1.78m which includes a reduction made to offset new staff and associated fleet costs related to foreshore and bushland restoration combined with a transfer from reserve of \$2.53m to fund actual spend on replacement of heavy plant, heavy vehicles and light fleet.
New / Upgrade Works Reserve	(1.58m)	Transfer to reserve of \$4.09m which includes \$3.81m based on asset management plans and \$427k for rates growth combined with a transfer from reserve of \$5.72m to fund the actual spend on the new and upgrade components of infrastructure assets and buildings including the Atwell House Ceramic Studio and Bob Gordon Reserve Premier Playspace.
Information Technology Reserve	494k	Transfer to reserve of \$1.58m which includes a reduction made to offset the additional costs for information technology and information management combined with a transfer from reserve of \$1.11m to fund actual capital spend on IT equipment software including Asset Management and Microsoft Office Online.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

Reserve	Increase /(Decrease) \$	Comment
Infrastructure Asset Management Reserve	814k	Transfer to reserve of \$12.06m which includes \$10.50m based on asset management plans and \$1.56m being the roads component of the 2021-2022 financial assistance grant combined with a transfer from reserve of \$11.41m to fund the renewal of infrastructure assets including Le Souef Drive (North Lake Rd-Clews St) and Point Walter Golf Course Irrigation project.
Land and Property Reserve	(6.29m)	Transfer to reserve of \$2.8m which includes a \$2.25m transfer from the Rates Equalisation Reserve relating to capital paybacks in 2020-2021 for the Carawatha Redevelopment combined with a transfer from reserve of \$9.09m which includes a one-off transfer of \$6m to the Organisational Environment Sustainability Initiatives Reserve, \$1.45m released for the purchase of property for a Men's Shed and \$1.09m capital call expenses for the Carawatha Redevelopment during 2021-2022.
Organisational Environment Sustainability Initiatives Reserve	6.11m	Transfer to reserve of \$6.25m which includes a one-off transfer of \$6m from the Land and Property reserve. The \$6m is to be used in the ensuing years to make contributions towards a smart LED luminaires project run by Western Power.
Public Open Space and Urban Forest Reserve	(2.12m)	Transfer of \$903k being a portion of the annual rates income combined with a transfer from reserve of \$3.05m which includes funds released for Shirley Strickland Reserve Upgrade and Bob Gordon Reserve Premier Playspace.
Rates Equalisation Reserve	2.62m	Transfer to the reserve of \$2.71m includes the adjusted unallocated surplus of \$4.41m from the 2020-2021 audited annual accounts, \$550k used for the Kardinya UGP from this reserve in the previous financial year being returned and a transfer of \$2.25m to the Land and Property reserve for capital paybacks in 2020-2021 for the Carawatha Redevelopment.
Refuse Bins Reserve	299k	\$385k transfer to the reserve (as per budget) compared with a transfer from reserve of \$91k for actual spend on garbage bin purchases.
Unexpended Works and Specific Purpose Grants Reserve	1.13m	Transfer to reserve of \$2.54m mainly representing operating amounts carried forward to the next financial year combined with a transfer of \$1.42m from reserve to fund operating costs that were carried forward from the previous year.
Various Reserves	23k	
	<b>(\$3.58m)</b>	

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

**Financial Ratios**

Financial ratios are designed to provide users of annual financial reports with a clearer interpretation of the performance and financial results of the City. The Local Government Regulations Amendment (Financial Management and Audit) Regulations 2022 removed the requirement for an annual financial report by the city to include financial ratios and an auditor’s opinion on financial ratios, significant adverse trends and indications of non-compliance. These financial ratios are *not audited* by the OAG/KPMG but the information for the calculation is extracted from the audited financial statement for 2021-2022.

The City’s operating surplus ratio was 0.04, (which has improved from 0.003 in 2020-2021) and the current ratio was 1.09 compared to 1.20 in the last financial year

The overall financial performance for the City as reported in the Annual Financial Report and the accompanying notes are positive. While the City has maintained a healthy Financial Health indicator (FHI) since 2014-2015 of 98 or above, the current score for 2021-2022 increased to 86 from 76 for 2020-2021.

The table below outlines the seven financial ratios for 2021-2022, with comparisons to 2020-2021. All the City’s financial ratios, except for the Asset Consumption and Operating Surplus ratios, continue to perform above the recommended benchmarks set by the Department of Local Government and Communities (DLGC).

Ratio (higher the better)		DLGC Target	2021-2022	2020-2021	Comments
<b>Liquidity Ratio</b>					
Current Ratio	Ability to meet short-term financial obligations out of unrestricted current assets	> 1	1.09	1.20	The City is in a solvent position and has the ability to meet its liabilities (obligations) as and when they fall due from unrestricted funds.
<b>Debt Ratio</b>					
Debt Service Cover Ratio	Ability to produce enough cash to cover debt payments	> 5	87.80	45.25	Indicates a strong ability to produce enough cash to cover its debt payments.
<b>Coverage Ratio</b>					
Own Source Revenue Coverage Ratio	Ability to cover costs through own taxing and revenue	> 0.90	0.99	0.96	The City has the ability to cover its own operating expenses from its own source revenue.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

Ratio (higher the better)		DLGC Target	2021-2022	2020-2021	Comments
<b>Financial Performance Ratio</b>					
Operating Surplus Ratio	Ability to cover operational costs and have revenues available for capital funding or other purposes	> 0.15	0.041	0.003	The ratio has improved due to there being no rating concessions in 2021-2022 but still remains below target due mainly to limited rate increases and lower investment income.
<b>Asset Ratios</b>					
Asset Sustainability Ratio	The extent to which assets are being replaced as they reach the end of their useful lives	between 0.90 and 1.10	1.79	1.48	The ratio has improved due to new capital projects and renewal of existing assets. The City is investing in assets to the degree that offsets the current consumption of its assets.
Asset Consumption Ratio	The extent to which depreciable assets have been consumed	between 0.60 and 0.75	0.54	0.51	The ratio is slightly below the recommended range due to the “aged” condition of the assets and higher replacement cost due to high inflation rate.
Asset Renewal Funding Ratio	Ability to fund projected asset renewals /replacements in the future	between 0.95 and 1.05	1.00	1.00	The ratio has remained the same.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risks or environmental management implications associated with this report.

**POLICY IMPLICATIONS**

CP-025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Report. It should be noted that the Council Policy defines some of the accounting policies that are applied to the preparation of the annual financial report and other requirements are set and described in the Accounting Standards.

**C22/6188 – CITY OF MELVILLE ANNUAL FINANCIAL REPORT FOR 2021-2022 (REC)  
(ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Should the Annual Report (which includes the Annual Financial Report) not be adopted by the Council, this would delay the Annual General Meeting of Electors until such time as it is adopted.

**CONCLUSION**

The 2021-2022 Annual Financial Report has been completed and an unaudited extract will be included in the Community Annual Report for 2021-2022 (Part A), with the full audited Annual Financial Report (Part B) available on the City's website, at its five libraries, the Civic Centre and in printed form to individuals upon request.

**COMMITTEE RESOLUTION AND COUNCIL RESOLUTION (6188)**

**NOTING**

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

**That the Council:**

- 1 notes the Office of the Auditor General's Audit Findings Report (Confidential Attachment) and**
- 2 notes the City of Melville 2021-2022 Annual Financial Report [6188 Annual Financial Report 2021-2022](#)**

At 6:51pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**



**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of the Council held on 20 September 2022 a petition was presented to the Council in relation undertaking a site survey of 18A and 18B Tweeddale Road, Applecross.
- This report advises of the actions taken to date in implementing the various Council resolutions and provides comment on the actions specifically requested in the petition.

**BACKGROUND**

At the 20 September 2022 Council Meeting the Council received a petition and requested that a report be presented to the November Council meeting. The petition requested that:

*“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council direct the CEO to complete Council’s 12 October 2021 Motion C21/5865 with respect to the Site Survey of 18A and 18 B Tweeddale Road Applecross without further delay by presenting the requested report to the 15 November 2022 ordinary meeting of Council for decision and realising (sic) the survey results and the report to the public.”*

The Council resolved:

***That the petition bearing 6 signatures of residents be acknowledged and a report be prepared and presented to the Ordinary Meeting of Council 15 November 2022.***

At the 17 August 2021 Council Meeting a report was presented to the Council on the following petition that was received from 5 residents

*“We the undersigned, all being electors of the City of Melville respectfully request that the Council conduct an independent review of the lack of adequate compliance and enforcement actions in response to numerous complaints about the 18A & B Tweeddale Road, Applecross unauthorised soil build up, associated unauthorised building work possibly, adversely affecting the adjoining property owners.”*

The Officer report included a summary of the history of development applications of relevance to the issues raised by the petition and a summary of the compliance action taken in respect of the unauthorised importation of fill to the site.

In response to the petition the key issues addressed in the Officer Report were:

1. What are the approved natural ground levels for the site and when were they established.
2. Whether the actual levels on the site reflect the approved levels, and
3. How the approved multiple residential development and the associated finished floor levels of that proposed development align with the approved natural ground levels.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

It was also noted in the report:

- “that if and when the site is developed in accordance with the current development approval, significant earthworks will be required in order to facilitate the development which incorporates basement level car parking,”
- “that the finished floor levels associated with the development, as approved by the development approval, are required to be provided in accordance with that approval,”
- “In that context, it is noted that the bulk of the site will be the subject of excavation, with a small remnant of land to the northern side, particularly the north east corner, retained at the existing natural ground levels” and that,
- “The onus is on the developer to ensure that development proceeds in accordance with approved plans, on the basis that failure to do so may result in prosecution.”

At that meeting the Council resolved:

***That the Council***

- 1. Acknowledges the response of the City to compliance matters raised in 2020 in respect of the importation of unauthorized fill onto the site at 18A and 18B Tweeddale Road was adequate and in accordance with the City’s planning Compliance Procedures and finalized on 17 February 2021.***
- 2. Directs the CEO to source a list of independent site surveyors to establish the natural ground level. The site surveyor is to be selected by the Council at the September 2021 Council Meeting.***
- 3. Directs the CEO to advise the lead petition of the decision.***

At the Council meeting held Tuesday, 21 September 2021 a list of independent site surveyors was presented to for the Council to select. At that meeting the Council resolved:

***That the Council***

- 1. Select AAM Pty Ltd to conduct a site survey to determine the true natural ground levels of 18A and 18B Tweeddale Road, Applecross.***
- 2. Directs the CEO to include in scope of works a requirement that the surveyor produce a statutory declaration that establishes that they hold the results of their survey to be true and correct.***
- 3. Request a report on the results of the site survey verses the approved ground levels set in 2008.***
- 4. Allows the results and report of the site survey to be made available to the public.***

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

AAM Pty Ltd declined to undertake the work and a report was presented to the 12 October 2021 Council Meeting and the matter represented to the Council for further consideration and direction. It was recommended by Officers that the administration conduct a procurement process in accordance with Council Policy and obtain quotes from suppliers sourced from the WALGA Panel PSP002-013 Engineering, Environmental and Technical Consultancy – Surveying.

At the 12 October 2021 Council Meeting the Council resolved:

***That the Council:***

- 1. Direct the CEO to select and engage a licensed land surveyor who is independent of the City of Melville and any entity or individual that has been involved in the subject development, to conduct a site survey to determine the natural ground levels of 18A and 18B Tweeddale Road, Applecross.***
- 2. Directs the CEO to include in scope of works a requirement that the surveyor produce a statutory declaration that establishes that they hold the results of their survey to be true and correct.***
- 3. Request a report on the results of the site survey versus the approved ground levels set in 2008.***
- 4. Allows the results and report of the site survey to be made available to the public.***

In implementing this resolution, which is the subject of this petition, a scope of works was developed based on the Council resolution and conditions and the request for quote was advertised to the suppliers on the WALGA Panel of surveyors on 1 November 2021.

Submission of quotes closed on 12 November 2021 with no quotations being received.

**DETAIL**

The City has twice unsuccessfully attempted to engage a surveyor, one (AAM Pty Ltd) selected by the Council and then a surveyor from the WALGA Panel. At that point the CEO had implemented the actions required by the 21 September 2021 and 12 October 2021 meetings. The resolution from the 12 October 2021 meeting is the subject of the petition.

Elected Members were advised in relation to this matter, which was discussed at an Elected Member Engagement Session held 23 November 2021.

A further attempt to progress this matter was undertaken with the scope being amended to delete the requirement for a Statutory Declaration to be provided. The requirement that the Final Site Survey Report be made available by the City to the public on completion of the works remained. The RFQ was sent to two surveyors that were not on the WALGA Panel and that had not had any involvement with the Tweeddale Road property.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

One quote was received, and the surveyor advised that they could not undertake an effective survey without having access to the site. The owner of the property has refused access to the property in order to undertake a survey. The Council by the 17 August 2021 resolution had acknowledged that there were no outstanding planning matters relating to the importation of unauthorised fill and there is no current building application for the site.

Elected Members were informed in relation to this matter in the Elected Member Bulletin (EMB) of 1 April 2022 and again in relation to placing a Building Order etc on the owner in the EMB of 22 April 2022.

As this report specifically deals with the request made in the petition, the following points are confirmed:

- The procurement process was conducted as required by the resolution and no surveyor submitted a response to undertake the requested works.
- The requirement that the surveyor produce a statutory declaration that establishes that they hold their survey results to be true and correct, was requested in the scope of works.
- The request for a report on the results of the site survey versus the approved ground levels set in 2008 was made.
- There are no results and report of the site survey that can be made available to the public.

It should be noted that there is no current Building Permit for works at this property. *Section 27, Building Act 2011*, may provide the opportunity for a condition to be placed on any future Building Permit to confirm compliance with the 2008 subdivision approved ground levels.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

No community engagement has been undertaken with regard to the survey or selecting and appointing a surveyor. Questions relating to the appointment of a surveyor and other matters relating to this Tweeddale Road property have been asked and responded to at public question time at various Council Meetings.

### **II. OTHER AGENCIES / CONSULTANTS**

No engagement with agencies, consultants or surveyors has been undertaken.

## **STATUTORY AND LEGAL IMPLICATIONS**

Access to the site is required in order to undertake the survey and the consent of the owners of the properties that is required has been refused.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

The entry and inspection powers that are provided to the Local Government are from CI 79 Sched 2 Pt10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These allow the CEO to make an officer of the Local Government an authorised officer, and such officers are authorised to enter and inspect for monitoring purposes. A third party surveyor is not and cannot be an authorised person under these Regulations.

Contact had been made with the owners to access the property which was refused.

Section 27 of the Building Act 2011 may permit the City to place a condition relating to providing a site survey as part a building permit application and assessment process, when an application is received.

**27. Conditions imposed by permit authority**

- (1) *A permit authority may impose conditions on the grant of a building permit or demolition permit in addition to any provided for in the regulations.*
- (2) *A condition imposed by a permit authority —*
  - (a) *is to relate to the particular building work or demolition work to which the permit applies rather than to work of that kind generally; and*
  - (b) *cannot modify the applicable certificate of design compliance or the plans and specifications that are specified in that certificate.*
- (3) *The permit authority may add, vary or revoke conditions imposed under this section before the building work or demolition work is completed.*
- (4) *If the permit authority adds, varies or revokes a condition the addition, variation or revocation takes effect when an owner of the building or incidental structure or proposed building or incidental structure has been given written notice of it or at a later time specified by the permit authority in the notice.*
- (5) *A permit authority must ensure that a notice under subsection (4) informs the person of the person's right of review under section 119.*

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This report responds to the petition and recommends that no further act be taken in relation to conducting a site survey at this point in time. The approved site levels will be identified and complied with if/when any future City approvals are issued and before any building works commenced.

**CONCLUSION**

This item is the report on the petition received and provides information relating to the attempts to implement the actions required in relation to the 12 October 2021 Council resolution.

In relation to the petition, the CEO has implemented the action required by the “12 October 2021 Motion C21/5865 with respect to the Site Survey of 18A and 18 B Tweeddale Road Applecross”. No surveyor would undertake the works requested, with the conditions stipulated by the Council. The administration then removed the conditions, in an attempt to secure the services of a surveyor. One surveyor responded however, without being able to gain access to the site a survey cannot be undertaken.

As such the “*requested report*” cannot be presented to “*the 15 November 2022 ordinary meeting of Council for decision and realising (sic) the survey results and the report to the public.*”

**OFFICER RECOMMENDATION (5865)**

**APPROVAL**

**That the Council:**

- 1 Note the actions taken in relation to implementing the Council resolution - Item C21/5865 – Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross from the 12 October 2021 Ordinary Meeting of Council.**
- 2 Advise the lead petitioner that a Surveyor Report does not exist and cannot be presented to the November 2022 Ordinary Meeting of Council for decision and releasing of the survey results and the report to the public.**
- 3 Directs the CEO to ensure that a site survey reflecting the approved ground levels in accordance with the 2008 subdivision approval be included in any Building Permit application and assessment process, in relation to any proposed building works at 18A /18B Tweeddale Road, Applecross.**

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

At 6:52pm the Mayor advised an Officer Advice note had been circulated prior to the meeting in relation to the proposed Alternative Motion submitted by Cr Sandford. [Officer Advice Note](#)

**Alternative Motion**

At 6:52pm Cr Sandford moved, seconded Cr Ross –

**That the Council directs the CEO to:**

- 1. Forthwith do all things necessary to arrange for an authorised officer to attend 18A & 18B Tweeddale Rd, Applecross with an independent site surveyor to assess and report on the natural ground levels of these sites; and**
- 2. Present the site surveys to the next meeting of Council following the date of the surveys, but by no later than the February 2023 Ordinary Meeting of Council**

**Procedural Motion**

**COUNCIL RESOLUTION**

At 6:57pm Cr Mair moved, seconded Cr Barber –

**That Cr Sandford be granted an extension of five minutes to speak on the matter.**

At 6:57pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Alternative Motion**

At 6:52pm Cr Sandford moved, seconded Cr Ross –

**That the Council directs the CEO to:**

- 1. Forthwith do all things necessary to arrange for an authorised officer to attend 18A & 18B Tweeddale Rd, Applecross with an independent site surveyor to assess and report on the natural ground levels of these sites; and**
- 2. Present the site surveys to the next meeting of Council following the date of the surveys, but by no later than the February 2023 Ordinary Meeting of Council**

At 7:25pm, the Mayor declared the motion

**LOST (6/7)**

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

**NOTE: Due to an equality of votes at the Council Meeting, the Mayor as the Presiding Member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).**

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

**OFFICER RECOMMENDATION (5865)**

**APPROVAL**

At 7:26pm Cr Macphail moved, seconded Cr Fitzgerald –

**That the Council:**

- 1 Note the actions taken in relation to implementing the Council resolution - Item C21/5865 – Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross from the 12 October 2021 Ordinary Meeting of Council.**
- 2 Advise the lead petitioner that a Surveyor Report does not exist and cannot be presented to the November 2022 Ordinary Meeting of Council for decision and releasing of the survey results and the report to the public.**
- 3 Directs the CEO to ensure that a site survey reflecting the approved ground levels in accordance with the 2008 subdivision approval be included in any Building Permit application and assessment process, in relation to any proposed building works at 18A /18B Tweeddale Road, Applecross.**

At 7:27pm, during discussion and debate, the mover and seconder consented to the inclusion of the words “*an independent,*” before the words site survey, and the words “*commissioned by the City of Melville*” before the word “*reflecting*” to read:

- 3. Directs the CEO to ensure that an independent, site survey, commissioned by the City of Melville, reflecting the approved ground levels in accordance with the 2008 subdivision approval be included in any Building Permit application and assessment process, in relation to any proposed building works at 18A /18B Tweeddale Road, Applecross.*

**Substantive Motion**

**COUNCIL RESOLUTION**

At 7:26pm Cr Macphail moved, seconded Cr Fitzgerald –

**That the Council:**

- 1 Note the actions taken in relation to implementing the Council resolution - Item C21/5865 – Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross from the 12 October 2021 Ordinary Meeting of Council.**
- 2 Advise the lead petitioner that a Surveyor Report does not exist and cannot be presented to the November 2022 Ordinary Meeting of Council for decision and releasing of the survey results and the report to the public.**
- 3 Directs the CEO to ensure that an independent site survey, commissioned by the City of Melville, reflecting the approved ground levels in accordance with the 2008 subdivision approval be included in any Building Permit application and assessment process, in relation to any proposed building works at 18A /18B Tweeddale Road, Applecross.**

At 7:30pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**9 CONFIRMATION OF MINUTES**

**9.1 Minutes of Ordinary Meeting of Council – 15 November 2022**  
[OMC Minutes – 15 November 2022](#)

**COUNCIL RESOLUTION**

At 7:30pm Cr Robins moved, seconded Cr Mair –

**That the minutes of the Ordinary Meeting of Council held 15 November 2022 be confirmed as a true and accurate record.**

At 7:31pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

*At 7:31pm Mr Deague left the meeting.*

**9.2 Notes of Agenda Briefing Forum – 6 December 2022**  
[ABF Notes 6 December 2022](#)

**COUNCIL RESOLUTION**

At 7:31pm Cr Woodall moved, seconded Cr Spanbroek –

**That the minutes of the Agenda Briefing Forum held 6 December 2022 be confirmed as a true and accurate record.**

At 7:31pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**9.3 Minutes of Special Meeting Of Council – 21 November 2022**  
[SMC Minutes 21 November 2022](#)

**COUNCIL RESOLUTION**

At 7:32pm Cr Woodall moved, seconded Cr Spanbroek –

**That the minutes of the Special Meeting of Council held 21 November 2022 be confirmed as a true and accurate record.**

At 7:32pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**9.4 Governance Committee Meeting – 21 November 2022**

**COUNCIL RESOLUTION**

At 7:32pm Cr Spanbroek moved, seconded Cr Robins –

**That the Minutes of the Governance Committee Meeting held on Monday, 21 November 2022 be noted.**

At 7:32pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

*At 7:33pm Mr Deague returned to the meeting.*

At 7:33pm the Mayor brought Forward Item UP22/4005 – Kardinya Activity Centre Plan And Associated Scheme Amendment for the convenience of those in the Gallery.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

Ward : Bateman – Kardinya - Murdoch  
 Category : Strategic  
 Application Number : N/A  
 Property : Various  
 Proposal : 1. Advertising of modifications to the Kardinya Activity Centre Plan as required by the Western Australian Planning Committee (WAPC).  
 2. Consideration of commencement of advertising of a scheme amendment to support the Activity Centre Plan (ACP).  
 Applicant : Element Advisory Pty Ltd  
 Owner : Various  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : P21/3903 Kardinya Activity Centre Plan – Recommendation to Western Australian Planning Commission 16 March 2021  
 P20/3882 Kardinya District Centre – Proposed Activity Centre Plan 17 November 2020  
 Responsible Officer : Gavin Ponton  
 Manager Strategic Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Further to receipt of a proposed Activity Centre Plan (ACP) for the Kardinya District centre on 15 May 2020 the City was required to provide a recommendation to the Western Australian Planning Commission (WAPC) as to whether it supports a proposed Activity Centre Plan (ACP) submitted for the Kardinya District Centre, supports a modified version of the proposed ACP or does not support the ACP.
- Council considered the proposed ACP as submitted at its meeting 17 November 2020 and resolved to advertise proposed modifications for community comment. Council further considered the proposed ACP after advertising of the proposed modifications at its meeting 16 March 2021 and resolved to recommend to the WAPC that the proposed ACP only be approved subject to the modifications identified. The WAPC was advised of the City's recommendations via correspondence dated 22 March 2021.
- The Statutory Planning Committee (SPC) under delegation from the WAPC considered the City's recommendation at its meeting 21 September 2021 and resolved to make further modifications to the City's recommended modified ACP, that this further modified ACP be advertised and that a Scheme Amendment to implement the proposed ACP be initiated and advertised.
- The City is now required to advertise the modifications to the ACP in accordance with the WAPC direction. The direction to advertise the modified ACP is mandatory and the option of making further amendment to the plan ahead of advertising is not available.
- The City also is required to consider the initiation of an amendment to LPS 6 to support implementation of the proposed ACP.
- The WAPC have requested that the Council consider advertising the ACP modification and the scheme amendment concurrently.
- Details of the proposed scheme amendment are discussed in this report. A Council decision is required to initiate the amendment for the purpose of advertising, seek mediation to the amendment or recommend not to initiate the amendment.
- The Officer recommendation notes the need to advertise the ACP modifications and supports initiation of the associated scheme amendment. For practicality, the advertising of the ACP is recommended to commence ahead of the scheme amendment advertising.



**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME  
AMENDMENT (REC) (ATTACHMENT)**

**BACKGROUND**

A proposed Activity Centre Plan (ACP) has been submitted to the City by the owners of the Kardinya Park Shopping Centre. The proposed ACP relates to the Kardinya District Centre, within which the Kardinya Park Shopping Centre is located and surrounding land.

Development approval for the redevelopment of the Kardinya Park Shopping Centre was issued by the Development Assessment Panel (DAP) on 8 June 2020. The proposal comprised a proposed redevelopment of the Kardinya Park Shopping Centre site incorporating undergrounding of the existing at grade car parking, expansion of the shopping centre internal mall, introduction of a new roof top food and beverage precinct, a cinema complex, a 12 storey residential apartment building and a number of perimeter developments.

The City recommended a decision on the development proposal be deferred to enable preparation and approval of an Activity Centre Plan for the Kardinya District Centre that would provide an appropriate context for consideration of such a major development. The DAP resolved to approve the proposed development in the absence of an ACP but modified the proposed development to reduce the Apartment building height from 12 to nine storeys.

The proposed ACP has been prepared by a private landowner and has been submitted to the City for assessment.

Where an ACP is submitted to the City, the City is required to advertise the proposed ACP for community comment, refer to relevant agencies, assess the proposed ACP against the planning framework and provide a report to the Western Australian Planning Commission with recommendations as to how the WAPC should determine the proposed ACP within a required statutory period.

An ACP is a strategic planning document that is intended to provide guidance for the future use and development of the area to which it applies and to which due regard should be given in the consideration/determination of development propositions within that area.

The contents of the ACP are to be consistent with the local planning scheme. Accordingly, where proposals under an ACP differ from the scheme, for example proposed density within residential zoned parts of the ACP area, alterations to the scheme are required for those proposals to take effect.

On this basis any proposals identified within the ACP which are different to the existing Scheme can only be implemented upon gazettal of an amendment to the Scheme to modify it to reflect the proposals contained within the ACP.

The proposed ACP as submitted was considered by Council at its meeting on 17 November 2020 at which it was resolved to advertise proposed modifications to the ACP for further community comment. Advertising commenced from the 26 November 2020 and concluded on 8 January 2021.

The Council considered the outcomes of this advertising period at its meeting on 16 March 2021 and resolved to recommend to the WAPC that the proposed Kardinya District Centre Activity Centre Plan (KDCACP) only be approved subject to modification to the ACP as submitted with respect to the ACP boundary, identification of precincts, maximum building height, density controls, Gilbertson Road widening, other matters, and statutory provisions.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

The Statutory Planning Committee (SPC) under delegation from the WAPC considered the proposed ACP as submitted and the modifications as recommended at its meeting on 21 September 2021 and resolved:

1. *Require the City of Melville to advertise modifications to the Kardinya Activity Centre Plan in accordance with Attachment A, in accordance with the Clause 22 (2) of schedule 2 – Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions);*
2. *Include on Attachment A the Key Public Space, Indicative Centre Street and Indicative Centre Pedestrian Links as shown on Attachment 9 – City of Melville Proposed Modified ACP Plan;*
3. *Request the City of Melville advertise these modifications to the Kardinya Activity Centre Plan concurrently with a Scheme Amendment required to implement the ACP, in accordance with Clause 18 of the Deemed Provisions or longer period as may be required to be consistent with the Scheme Amendment process; and*
4. *Request that the City of Melville subsequently provides a report on the Kardinya Activity Centre Plan modifications to the Western Australian Planning Commission in accordance with clause 22(2) of the Deemed Provisions.*

The Attachment A Plan referred to in resolutions 1 and 2 is included as attachment 1 to this report. The SPC modifications shown on this plan differ from the City's recommended modifications in relation to the boundary of and areas included within the ACP area, and in relation to building heights within the "Core" precinct within the ACP. A copy of the SPC modification plan highlighted to clarify then proposed modifications is also included as attachment 2.

The SPC modifications comprise;

- Inclusion within the ACP boundary of an area not previously included in either the originally submitted ACP or as part of the City's recommended modifications. This affects some 67 properties bounded by Hodgson Place, Williamson Road, properties on the eastern side of Meadow Close/Green Court and South Street. Within this area the SPC modification proposes to increase residential density from R25 to R40 and R60.
- Re-inclusion within the ACP boundary of two areas that were shown within the original submitted ACP but which the City proposed be removed from the ACP as part of its recommended modifications to the WAPC. These are an area north of Dalston Crescent and north of Hutchings Way affecting 31 and 40 properties respectively. The density in these areas is proposed to be increased from R25 to R40 under the SPC modification.
- Exclusion from the proposed ACP an area west of North Lake Road proposed to be included as part of the City's modifications recommended to the WAPC affecting 47 properties.
- Designation of a maximum building height of seven storeys for non-residential buildings in the centre zoned core precinct exceeding the City preferred maximum of 6 storeys in City's modifications recommended to WAPC.
- Designation of a maximum building height of nine storeys for residential buildings in the centre zoned core precinct exceeding the City preferred maximum of six storeys in City's modifications recommended to WAPC.
- Designation of a maximum building height of 12 storeys at two "landmark" sites in the centre zoned core precinct exceeding the City preferred maximum of six storeys in City's modifications recommended to WAPC.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

[4005 Attachment 1 SPC ACP Modifications Resolution Plan](#)

[4005 Attachment 2 SPC ACP Modifications Explanatory Plan](#)

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Centre C3, Residential
R-Codes	: R25, R40, R50, R80

**Site Details**

The Kardinya District Centre essentially comprises the Kardinya Park and adjoining Kardinya Square Shopping Centre sites and is bounded by North Lake Road to the west, South Street on the south, Gilbertson Road to the east and Brophy Street and Dalston Crescent on the north. Part of the adjoining residential area is also included within the ACP boundary.

**DETAIL**

Next steps in the progress of the ACP have been determined by the above SPC resolution. The modified ACP is required to be advertised without change. At the completion of the advertising period Council would have the opportunity to recommend further modification to the WAPC.

Operation of the proposed ACP requires modification to LPS6. Accordingly, the applicants have submitted a proposed supporting scheme amendment. Details of the amendment and an assessment are outlined in this report.

Next steps in the progress of the ACP and associated scheme amendment involve:

1. Advertise the SPC modifications to the proposed ACP, and;
2. Consider whether to initiate the associated scheme amendment.

**Proposed Modified Activity Centre Plan**

The main components of the proposed ACP as modified by the SPC are summarised as follows;

- Inclusion within the ACP area for the first time an area bounded by Hodgson Place, Williamson Road, South Street, and the rear boundary of lots on the eastern side of Sexton Court.
- Re-inclusion of an area north of Dalston Crescent and Hutchings Way recommended to be removed from the ACP as part of the City's recommended modifications.
- Removal of an area west of North Lake Road recommended for inclusion within the ACP as part of the City's recommended modifications.
- Deletion of the six storey maximum height limit requested by the City as part of its recommended modifications and replacing it with seven storeys for non-residential buildings, nine storeys for residential buildings and up to 12 storeys at two landmark

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- sites at the corners of North Lake Road and South Street, and South Street and Gilbertson Road within the “Core” precinct.
- In regard to all other elements of the original submitted ACP and recommended modifications thereto by the City, including such items as potential widening of Gilbertson Road and recommended statutory provisions, the City is advised that the SPC has not made any determination in relation to these items yet and will do so when it makes a final determination on the approval of the ACP.

**Proposed Scheme Amendment**

A Scheme Amendment is required to modify LPS 6 where existing elements within the Scheme will prevent the implementation of proposals under the ACP, or where a statutory foundation required to implement proposals in the ACP is currently absent. The main components of the proposed amendment are summarised following.

In relation to the Scheme maps:

- Re-designating the Kardinya District Centre from a “C3” to a “C2” level centre reflecting the implementation of an ACP for the district centre.
- Redesignating portion of the “Centre” zone to a “Local Road Reserve”.
- Identifying an “AR1 Additional Requirement” designation for all land within the KDCACP boundary.
- Rezoning the eastern side of Gilbertson Road between Williamson Road and South Street from “Residential R50” to “Mixed Use R80” zone.
- Modifying various density codes within the residential zoned land within the KDCACP boundary to reflect density codes proposed in the KDCACP.

In relation to the Scheme text:

- Deleting various items currently within the text that are no longer relevant/applicable under KDCACP proposals.
- Amending various items in the text to include additional requirements/standards to support KDCACP proposals.
- Inclusion of clauses in the text extinguishing various encumbrances currently affecting land within the KDCACP boundary that restrict proposals in the KDCACP including extinguishment of one restrictive covenant and two rights of access easements.

The proposed scheme amendment is included as attachment 3 to this report.

[4005 Attachment 3 Proposed Kardinya ACP Scheme Amendment Document](#)

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

**Proposed SPC Activity Centre Plan modifications**

Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 governs the preparation and approval of an ACP. This confirms the WAPC as the determining authority for an ACP and outlines the statutory timeframes and procedures to be followed in the consideration and determination of a proposed ACP.

In summary, while a local authority is responsible for engagement/consultation with the community and relevant stakeholders, it can only make recommendations to the determining authority (WAPC). The WAPC is the decision maker and while it will give due consideration to any recommendations made by a local authority it is not bound by them.

The KDCACP has been progressed in accordance with the regulations. The original submitted ACP was advertised and then considered by Council which resolved that it should be modified. The proposed modifications were then advertised, and the matter further considered by Council which resolved to recommend support for the proposed ACP subject to modification.

The Statutory Planning Committee of the WAPC then considered the originally submitted ACP and the Council's requested modifications and resolved to make further modifications to aspects of the ACP and required the City to advertise these specific modifications and report back to the WAPC. The WAPC will then make a final determination on the proposed ACP.

The SPC's resolution related only to the additional modifications it has proposed and it has not yet made a decision in relation to other aspects of the ACP including in relation to a number of the City's requested modifications. It will do this when it makes its final decision on the ACP subsequent to advertising of the SPC suggested modifications. The period for determination of the ACP has been extended to 1 April 2023.

A right of review to the State Administrative Tribunal in accordance with the Town Planning and Development Act 2005, Part 14, of a decision by the WAPC not to approve the ACP is available to the proponent should that ultimately be the decision of the WAPC.

**Proposed Scheme Amendment**

The process for amending a local planning scheme is governed by and set out in the Planning & Development Act 2005, Part 5 Local Planning Schemes, and in the Planning & Development (Local Planning Schemes) Regulations 2015, Part 5, Amending Local Planning Schemes.

A local government is responsible for resolving to initiate an amendment to a local planning scheme either of its own making or if it chose to do so, in response to a landowner's request to initiate an amendment. Once initiated the determining authority for a proposed scheme amendment is the Minister for Planning.

While a local government may resolve not to initiate a scheme amendment, it is noted that Section 76 of the Planning & Development Act provides the Minister with the power to require a local government to prepare or adopt a scheme amendment if the Minister is satisfied it ought to have done so.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

Further, Section 77A of the Act also provides the Minister with the authority to order a local government to amend a scheme to be consistent with a state planning policy. Adoption of an Activity Centre Plan for a district centre is a requirement of State Planning Policy 4.2 and failure to initiate a scheme amendment intended to enable implementation of an ACP prepared under SPP 4.2 may also trigger a direction from the Minister under S77A.

Once a local government resolves to initiate a scheme amendment it must refer the proposed amendment to the Environmental Protection Authority (EPA) which has up to 30 days to advise if sufficient environmental review of the proposed scheme amendment has been undertaken before the amendment can be advertised.

The scheme amendment is to be advertised in accordance with the Regulations, usually for a period of 42 days. The local government must then consider all submissions received before resolving either to support the amendment without modifications, support the amendment with modifications to address issues raised in submissions or to not support the amendment.

The local government must then provide the advertised amendment along with a schedule of submissions made on the amendment, the response of the local government and details of any modifications proposed to the amendment to the WAPC. The WAPC will then consider the proposed amendment, make any recommendations it considers appropriate and then submit the amendment documents and recommendations to the Minister who will determine whether the proposed amendment is approved or refused.

**FINANCIAL IMPLICATIONS**

The proposed ACP will provide additional development opportunity in the ACP area. Whilst there are no direct financial cost implications with the ACP, new development will provide revenue opportunities for the City as well as need for additional services. It is noted that the applicant has been required to pay an application fee to offset costs associated with the assessment of the ACP and the proposed scheme amendment.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
The City resolves not to initiate the scheme amendment resulting the Minister directing the amendment be initiated under Clauses 76 or 77A of Planning and Development Act.	Moderate consequences which are possible, resulting in a Medium risk	Ensure this implication is understood and considered at Council determination.
Stakeholders aggrieved by the intent of the proposed scheme amendment to extinguish existing easements and covenants express concern at the process.	Moderate consequences which are possible, resulting in a Medium risk	Advertising of proposed scheme amendment following from initiation of amendment will provide all stakeholders an opportunity to provide input in relation to this matter which will be available to the Minister for consideration when final decision is made.

**POLICY IMPLICATIONS**

There are no policy implications.

**COMMENT**

***Advertising of the WAPC Modifications to the ACP***

The City is required to advertise the modifications to the ACP as directed by the WAPC. Upon conclusion of this advertising process, the Council will have opportunity to consider comments received and to provide further recommendations to the WAPC. These further recommendations include opportunity to comment on:

- The modifications to the plan required by WAPC
- Reiteration of the matters raised in the initial feedback provided to the WAPC by Council
- Any other matter resulting from the advertising phase.

***Proposed Scheme Amendment***

Council is required to consider the initiation of the scheme amendment submitted to support the operation of the ACP. As part of its resolution in relation to the proposed ACP the SPC has requested the City to undertake the advertising of the ACP modifications concurrently with advertising of the supporting scheme amendment.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

In considering this matter the Council can resolve to initiate the scheme amendment, initiate the amendment with modifications or not initiate the amendment. Should the Council resolve not to initiate the proposed amendment the Minister may direct the Council to do so under Sections 76 and/or 77A of the Planning & Development Act 2005.

It is noted that while the SPC has requested the City advertise the SPC ACP modifications and the proposed scheme amendment concurrently, it is not required to do so and while the Council could resolve to initiate the scheme amendment, advertising of this could still be progressed independently of advertising of the ACP modifications. Administrative pre-requisites associated with the advertising of the scheme amendment may also make concurrent advertising of the ACP modifications and scheme amendment not practical.

Administrative contents of proposed amendment

The proposed scheme amendment is essentially administrative in nature and addresses changes needed to LPS 6 to implement the ACP and involves deleting some requirements currently in place and modifying other items. Additional requirements are also proposed to be incorporated within the scheme to facilitate standards proposed in the ACP. All basically relate directly to specific matters in the proposed ACP.

Encumbrances

The scheme amendment also proposes to include specific clauses intended to enable the extinguishment of various encumbrances via the scheme. Currently three encumbrances affect the Kardinya Park Shopping Centre property in favour of the adjoining “Kardinya Square” property. These are;

1. A Restrictive Covenant that prevents the use of any building on the Kardinya Park property for any purpose which involves the sale of liquor.
2. A right of carriageway over portion of the Kardinya Park property where it abuts the boundary of the Kardinya Square property in favour of the various owners of the Kardinya Square property (north-south easement).
3. A right of carriage way over portion of the Kardinya Park property along its northern boundary in favour of the various owners of the Kardinya Square property (east-west easement).

These encumbrances were historically established by the original owners of the referenced properties and represent part of a commercial arrangement at that time which placed the encumbrances over one property in favour of the owners of the adjoining property.

The proponents have advised that alternative approaches to pursuing the extinguishment of the encumbrances, which require the signature of every listed owner associated with the Kardinya Square property, has been problematical given that this property has been subject to re-subdivision and strata titling since the encumbrances were first implemented, and as a consequence the signature of numerous individual ownership entities is required with many of these unable to be located.

The City has obtained legal advice confirming that Clause 11 of Schedule 7 to the Planning & Development Act provides the authority for a local planning scheme to extinguish or vary any restrictive covenant, easement or right of way subject to there being a planning purpose in doing so.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

1. Restrictive covenant

The restrictive covenant has the potential effect of restricting up to six permissible land uses which could contribute to the activation of the district centre, in particular in relation to the proposed food and beverage precinct. Removing the restrictive covenant therefore removes potential constraints to the land use that will support the planning objectives for the district centre.

2. North-south easement

A proposed “main street” is identified in the ACP and accommodated within the development approval for the Kardinya Park Shopping Centre over the area included in the easement sited along the eastern boundary of the Kardinya Park property. This “main street” is a key element of the activation of the district centre promoted in the ACP and removal of the easement will facilitate delivery of this element.

To ensure ongoing unfettered public access (including for the adjoining Kardinya Square property), the amendment will provide for the extinguishment of the easement and its replacement with a public road reserve linking Brophy Street to South Street. Physical development of this will occur as part of the redevelopment of the Kardinya Park property, and over the longer term this could potentially be added to as major redevelopment of the Kardinya Square property is undertaken.

3. East-west easement

The easement along the northern boundary of the Kardinya Park property was originally initiated to provide access from North Lake Road to what is now the Kardinya Square property due to the absence of a public road network servicing that site at that time. The Kardinya Square property is now accessed from South Street, Gilbertson Road and Brophy Street, and in the future the proposed road reserve noted above. As such this site is now fully accessible from the public road network.

Also relevant is that access to the easement from North Lake Road has been physically limited for many years to prevent its use as a short cut to avoid the North lake Road/ South Street intersection and that under the development approval for the redevelopment of the Kardinya Park Shopping Centre the area impacted by the historic easement is essentially intended to provide access to future service areas for the redeveloped shopping centre. On this basis there is an argument that this easement is no longer required.

In summary, while it is acknowledged that the introduction of clauses via the amendment to extinguish the encumbrances noted will have the effect of the scheme removing the existing rights of a private landowner in favour of another private landowner, the planning framework legally provides for such a circumstance where there is a planning purpose in doing so. Removal of the restrictive covenant will support the intent and objectives of the ACP while the necessity for the easements either no longer exists or will be accommodated by alternatives implemented under the ACP/scheme amendment.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are several alternative decisions available to the Council in relation to these items.

<b>MODIFICATIONS TO PROPOSED ACP</b>	
<p>The City is required to advertise the proposed ACP modifications and while the SPC has expressed a preference for this to occur concurrently with advertising of a scheme amendment the City is not bound by this and can choose to advertise the SPC modifications independently.</p>	
<b>Alternative Options</b>	<b>Implication</b>
<p>The SPC proposed ACP modifications are advertised separately from a proposed scheme amendment</p>	<ul style="list-style-type: none"> <li>Advertising could proceed without undue delay while other actions required to be completed in scheme amendment process before a scheme amendment can be advertised are undertaken.</li> <li>Advertising would focus solely on the modifications proposed by the SPC potentially maximising clarity for community and ensuring submissions focus on the ACP modifications.</li> </ul>
<p>The proposed ACP modifications are advertised concurrently with a proposed scheme amendment</p>	<ul style="list-style-type: none"> <li>Advertising would be delayed until the advertising stage in the scheme amendment process is reached.</li> <li>Concurrent advertising could result in confusion amongst the community with the potential to create concerns as to the validity of the process given that the community will be asked to comment on a proposed ACP and further modifications at the same time as a scheme amendment intended to implement that ACP with those modifications.</li> </ul>
<b>INITIATION OF PROPOSED SCHEME AMENDMENT</b>	
<p>The SPC has requested that the modifications to the ACP be advertised concurrently with a scheme amendment to implement the ACP. For this to happen the Council is required to resolve to initiate a scheme amendment which would then need to be referred to the EPA prior to implementing advertising.</p>	
<b>Alternative Options</b>	<b>Implication</b>
<p>Council resolves to initiate the scheme amendment as proposed.</p>	<ul style="list-style-type: none"> <li>Amendment process is commenced based on the administrative changes identified and including the proposals to provide for extinguishment of encumbrances acknowledging that advertising of the amendment will provide opportunity for community and stakeholder comment re these items.</li> <li>Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make whatever modifications they think appropriate.</li> </ul>

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

Alternative Options	Implication
Council resolves to initiate a modified version of the scheme amendment to that proposed.	<ul style="list-style-type: none"> <li>• Changes are required to the proposed amendment by Council and a modified version of the amendment is initiated.</li> <li>• Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make modifications they think appropriate.</li> </ul>
Council resolves not to initiate a scheme amendment.	<ul style="list-style-type: none"> <li>• While initiation of a scheme amendment would be delayed the Minister could issue a directive under S76 or S77A, or possibly both, of the Planning &amp; Development Act requiring the City to initiate the scheme amendment.</li> <li>• Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make whatever modifications they think appropriate.</li> </ul>

**CONCLUSION**

Council is required to progress advertising of the modified ACP. A decision is required on whether or not to initiate the associated scheme amendment, and then, if the amendment is to be initiated, to decide if the two instruments are advertised concurrently.

The scheme amendment is largely consistent with the content of the proposed ACP. Proposed clauses relating to the extinguishment of easements and covenants will require consideration. The applicant has presented planning reasons in support of these aspects of the amendment and legal advice indicates that the proposed content is statutorily sound.

Initiating the scheme amendment will provide an opportunity for community comment and for stakeholders affected by potentially more contentious proposals such as clauses seeking extinguishment of various encumbrances, to provide formal input. Feedback on these and other aspects of the amendment will inform Council’s final recommendations on the matter.

It is also noted that the SPC in its resolution has sought concurrent advertising of the ACP modifications and the scheme amendment. Whilst this remains an option, pre-requisites to the scheme amendment advertising process will make this impractical.

Once initiated, the formal scheme amendment process will require various actions including referral to the EPA before advertising can occur. This will likely take at a minimum several months. While the SPC request for concurrent advertising is acknowledged, the option of separately advertising remains and in fact may provide better clarity for the community in contemplating the various items under consideration. Given the process described above, immediate advertising of the ACP modifications whilst progressing the scheme amendment towards advertising is recommended.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

At 9:11pm (15 November 2022 OMC) Cr Robins foreshadowed an Alternative Motion.

At 9:11pm (15 November 2022 OMC) prior to moving the officer recommendation, the Council agreed to replace point 1. Of the Officer Recommendation with the Officer Amendment to read:

1. *Resolve to proceed with advertising of the Statutory Planning Committee modifications to the proposed Kardinya District Centre Activity Centre Plan, with advertising being undertaken concurrently with the associated scheme amendment.*

At 9:12pm (At the Ordinary Meeting of Council on 15 November 2022) the Mayor advised the meeting that an Officer Amendment had been circulated on this item for consideration. [Officer Amendment](#)

**OFFICER RECOMMENDATION (4005)**

**APPROVAL**

At 9:12pm (15 November 2022 OMC) Cr Macphail moved, seconded Cr Wheatland –

**That the Council:**

- 1 **Resolve to proceed with advertising of the Statutory Planning Committee modifications to the proposed Kardinya District Centre Activity Centre Plan, with advertising being undertaken concurrently with the associated scheme amendment.**
- 2 **Resolve Pursuant to Section 75 of the *Planning and Development Act 2005* to prepare and initiate proposed Scheme Amendment No. 15 (Kardinya District Centre) as follows;**

**Amend the scheme map by:**

- (a) **Redesignating the “Centre” zone classification applicable to the Kardinya District Centre from “C3” to “C2” to reflect adoption of the Activity Centre Plan.**
- (b) **Deleting the “Centre” zone for a width of 12.19m wholly within Lot 17 (1-15) South Street along the length of the eastern boundary of Lot 17 (1-15) South Street and designating it as local road reserve.**
- (c) **Including within the boundary of the Kardinya District Centre the “AR1” ‘Additional Requirement’ designation.**
- (d) **Rezoning various lots on the eastern side of Gilbertson Road between Williamson Road and South Street from “Residential R50” zone to “Mixed-Use R80” zone.**
- (e) **Amending the R-Coding of Lot 315 (No.42) Gillet Drive from “R20” to “R60”.**
- (f) **Amending the R-Coding of lots zoned “Residential” within the Kardinya District Centre Activity Centre Plan area from “R25” and “R40” to “R40” and “R60” as required to reflect density codes identified within the Kardinya District Centre Activity Centre Plan.**

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

Amend the scheme text by:

- (a) Amend 'Note 1' of Table 3 – Zoning Table to state: Kardinya Centre – Due regard to be given to the Kardinya Activity Centre Structure Plan. Land use permissibility shall be in accordance with Centre-C3 zone.
- (b) Amend clause 19 additional uses, Table 4 to remove additional use No.9.
- (c) Amend Table 7 – Additional site and development requirements, No.1, Centre Zone – C3 (District Centres) (3) (a) to remove the plot ratio reference 'Kardinya 1.0'.
- (d) Amend clause 33 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, by adding the following:
  - (1) Table 8 sets out requirements relating to development that are included in structure plans, activity centre plans, and local development plans that apply in the scheme area.
  - (2) The specific development standards set out under this Clause and the associated Schedule B prevail to the extent of any inconsistencies with any other standard or provisions of the Scheme.

**Table 8 – Additional Requirements that apply to land in Scheme Area**

No.	Description of Land	Requirement
1	Kardinya Activity Centre Plan	(a) Development shall comply with any site or development requirement set out in Schedule B of this scheme.

- (e) Insert Schedule B – Additional site and development requirements for area covered by structure plan, activity centre plan or local development plan.

**Kardinya**

- (a) The subdivision and development of all land within the Kardinya Activity Centre shall have due regard to the Kardinya Activity Centre Plan.
- (b) The owner of any lot affected by the 'Future Main Street' within the C2 zone identified in a WAPC approved Activity Centre Plan shall cede the required area free of cost to the City as a condition of any significant development or subdivision approval and construct and drain the road to the specification and satisfaction of the City.
- (c) The owner of any lot affected by a 'Future Easement In-Gross' identified in a WAPC approved Activity Centre shall be required to provide an easement in gross to the benefit of the City, free of cost, as a condition of any significant development or subdivision approval and construct and drain the easement area to the specification and satisfaction of the City.

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- (d) The following are hereby extinguished:
1. The covenant affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration No. A961664) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.
  2. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration A961669) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.
  3. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration C259866) made pursuant to a deed dated 31 October 1979 between The Equity Trustees Executors and Agency Company Limited and Euston Nominees Pty Ltd.
- (e) Residential lots that are identified within the Kardinya Activity Centre Plan which abut the South Street road reservation are required to meet the following:
1. The determining authority shall not grant approval to any increase in single, grouped or multiple dwelling yield or recommend approval for subdivision in the area identified, unless:
    - I. A Local Development Plan has first been prepared and approved over the site;
    - II. The subject lot(s) or site is provided with permanent legal access to a public road other than South Street that is capable of providing trafficable vehicle access to the site; and
    - III. The subdivision and/or development does not entirely prejudice the ability for any other site within the same street block from obtaining access from a public road, other than South Street.
  - 3 Authorise the preparation, processing and public advertising of documentation for Scheme Amendment No. 15 to Local Planning Scheme No. 6 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
  - 4 Resolve that the amendment is a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
    - The amendment is consistent with the City’s Local Planning Strategy and the Residential Zone of Local Planning Scheme 6.
    - The scope of the amendment is limited to a defined site.
    - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
    - The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- 5 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 amendments (Activity Centre Plan and Scheme Amendment) should be approved, refused or modified.

At 7:33pm (At the OMC 13 December 2022) the Mayor advised the meeting that an Officer Advice Note had been circulated on this matter prior to the Ordinary Meeting of Council. [Officer Advice Note](#)

**Amendment**

**COUNCIL RESOLUTION**

At 7:34pm Cr Robins moved, seconded Cr Woodall –

**Add a new point 1 to the Officer Recommendation, renumbering all following points as appropriate. Point 1 is to read as follows:**

- 1. Notes its dissatisfaction with the modifications proposed by the Statutory Planning Commission to the Kardinya District Centre Activity Centre Plan, given widespread community support for the version previously advertised by the City of Melville, and its intention of advertising the Activity Centre Plan and the Scheme Amendment to provide local residents the opportunity to express their views on the proposed changes.**

At 7:36pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Reasons for the Amendment +as provided by Cr Robins**

The City carried out extensive community consultation on the previous version of the Kardinya Activity Centre Plan (prior to modification by the SPC), which achieved widespread community support, and met state government density targets.

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 9:12pm (15 November 2022 OMC) Cr Macphail moved, seconded Cr Wheatland –

**That the Council:**

1. Notes its dissatisfaction with the modifications proposed by the Statutory Planning Commission to the Kardinya District Centre Activity Centre Plan, given widespread community support for the version previously advertised by the City of Melville, and its intention of advertising the Activity Centre Plan and the Scheme Amendment to provide local residents the opportunity to express their views on the proposed changes.
2. Resolve to proceed with advertising of the Statutory Planning Committee modifications to the proposed Kardinya District Centre Activity Centre Plan, with advertising being undertaken concurrently with the associated scheme amendment.
3. Resolve Pursuant to Section 75 of the *Planning and Development Act 2005* to prepare and initiate proposed Scheme Amendment No. 15 (Kardinya District Centre) as follows;

**Amend the scheme map by:**

- (a) Redesignating the “Centre” zone classification applicable to the Kardinya District Centre from “C3” to “C2” to reflect adoption of the Activity Centre Plan.
- (b) Deleting the “Centre” zone for a width of 12.19m wholly within Lot 17 (1-15) South Street along the length of the eastern boundary of Lot 17 (1-15) South Street and designating it as local road reserve.
- (c) Including within the boundary of the Kardinya District Centre the “AR1” ‘Additional Requirement’ designation.
- (d) Rezoning various lots on the eastern side of Gilbertson Road between Williamson Road and South Street from “Residential R50” zone to “Mixed-Use R80” zone.
- (e) Amending the R-Coding of Lot 315 (No.42) Gillet Drive from “R20” to “R60”.
- (f) Amending the R-Coding of lots zoned “Residential” within the Kardinya District Centre Activity Centre Plan area from “R25” and “R40” to “R40” and “R60” as required to reflect density codes identified within the Kardinya District Centre Activity Centre Plan.

**Amend the scheme text by:**

- (f) Amend ‘Note 1’ of Table 3 – Zoning Table to state: Kardinya Centre – Due regard to be given to the Kardinya Activity Centre Structure Plan. Land use permissibility shall be in accordance with Centre-C3 zone.

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- (g) Amend clause 19 additional uses, Table 4 to remove additional use No.9.
- (h) Amend Table 7 – Additional site and development requirements, No.1, Centre Zone – C3 (District Centres) (3) (a) to remove the plot ratio reference ‘Kardinya 1.0’.
- (i) Amend clause 33 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, by adding the following:
  - (1) Table 8 sets out requirements relating to development that are included in structure plans, activity centre plans, and local development plans that apply in the scheme area.
  - (2) The specific development standards set out under this Clause and the associated Schedule B prevail to the extent of any inconsistencies with any other standard or provisions of the Scheme.

**Table 8 – Additional Requirements that apply to land in Scheme Area=**

No.	Description of Land	Requirement
1	Kardinya Activity Centre Plan	(b) Development shall comply with any site or development requirement set out in Schedule B of this scheme.

- (j) Insert Schedule B – Additional site and development requirements for area covered by structure plan, activity centre plan or local development plan.

**Kardinya**

- (a) The subdivision and development of all land within the Kardinya Activity Centre shall have due regard to the Kardinya Activity Centre Plan.
- (b) The owner of any lot affected by the ‘Future Main Street’ within the C2 zone identified in a WAPC approved Activity Centre Plan shall cede the required area free of cost to the City as a condition of any significant development or subdivision approval and construct and drain the road to the specification and satisfaction of the City.
- (c) The owner of any lot affected by a ‘Future Easement In-Gross’ identified in a WAPC approved Activity Centre shall be required to provide an easement in gross to the benefit of the City, free of cost, as a condition of any significant development or subdivision approval and construct and drain the easement area to the specification and satisfaction of the City.
- (d) The following are hereby extinguished:
  - 1. The covenant affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration No. A961664) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.

**UP22/4005 - KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

2. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration A961669) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.
  3. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration C259866) made pursuant to a deed dated 31 October 1979 between The Equity Trustees Executors and Agency Company Limited and Euston Nominees Pty Ltd.
- (e) Residential lots that are identified within the Kardinya Activity Centre Plan which abut the South Street road reservation are required to meet the following:
2. The determining authority shall not grant approval to any increase in single, grouped or multiple dwelling yield or recommend approval for subdivision in the area identified, unless:
    - I. A Local Development Plan has first been prepared and approved over the site;
    - II. The subject lot(s) or site is provided with permanent legal access to a public road other than South Street that is capable of providing trafficable vehicle access to the site; and
    - III. The subdivision and/or development does not entirely prejudice the ability for any other site within the same street block from obtaining access from a public road, other than South Street.
- 4 Authorise the preparation, processing and public advertising of documentation for Scheme Amendment No. 15 to Local Planning Scheme No. 6 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
- 5 Resolve that the amendment is a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
- The amendment is consistent with the City’s Local Planning Strategy and the Residential Zone of Local Planning Scheme 6.
  - The scope of the amendment is limited to a defined site.
  - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
  - The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.
- 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 amendments (Activity Centre Plan and Scheme Amendment) should be approved, refused or modified.

At 7:36pm (13 December 2022) the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

## 14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

### Management Services

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

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

### **AUTHORITY / DISCRETION**

#### **DEFINITION**

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

### **KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 August 2022 up to and including 16 November 2022 for the Council's noting.

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

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2202	City of Melville, Jarad Scott Ould, Dana Moray Bechelli and Peter Dean Bechelli	Restrictive Covenant - 169 Kitchener Road Alfred Cove - McLeods Barristers & Solicitors (DA-2021-614)	6885812

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**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.

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

**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' that details the documents to which the City of Melville Common Seal has been applied for the period from 17 August 2022 up to and including 16 November 2022 for the Council's noting.

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

**NOTING**

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 17 August 2022 up to and including 16 November 2022 for the Council's noting.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Executive  
 Subject Index : Independent Review  
 Customer Index : City of Melville; Weir Legal and Consulting  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Motion with Notice 16.2 Weir Report Special Meeting of Council held 4 April 2022  
 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In September 2021, the City received the Weir Legal and Consulting (WLC) - City of Melville Review of Complaints – Building and Planning (Final Weir Report).
- The report finalised a 10-month review by the independent consultant (WLC) into complaints related to building, planning and environmental health issues, raised by two residents.
- The final 131 page report followed a structured process and considered a number of issues and provided 15 recommendations for the City to implement.
- Bronwyn Weir from WLC provided a presentation on the final report to Elected Members on 31 March 2022.
- At a Special Meeting of Council held 4 April 2022, the Council resolved that a report be prepared on the “findings” of the Weir Report.
- The residents who raised the complaints, (the Complainants) gave a presentation on the Final Weir Report at an Elected Member Engagement Session (EMES) on 24 May 2022.
- Presentations by officers on the actions undertaken in relation to implementing the recommendations have been made to Elected Members in May, June and July 2022.
- This report recommends that the Council accept the Final Weir Report, notes the update on the recommendations, and that this information be released to the community in a redacted format as it is in the public interest to do so.

**BACKGROUND**

In late 2020, the City engaged Ms Bronwyn Weir of Weir Legal and Consulting (WLC) to undertake an independent review of complaints associated with building, planning and environmental health at the City of Melville. The review had a focus on the issues raised by two residents (the Complainants). The Weir Legal and Consulting – City of Melville Review of Complaints – Building and Planning Report dated 17 September 2021 (Final Weir Report) was received by the City and distributed to Elected Members on 29 September 2021.

At the Special Meeting of Council held 4 April 2022, the following motion with notice was supported by the Council:

***“That the Council directs the CEO to prepare a report on***

- 1. The findings of the Weir Report,***
- 2. A list of actions to be taken and present it to an EMES for discussion prior to a Council Meeting for a decision, and***
- 3. The CEO to invite the complainants to the Elected Members Engagement Session to present their feedback, in 30 minutes each, on the proposed recommendations and any further recommendations they may have.”***

This report responds to the above resolution of the Council.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**DETAIL**

The Final Weir Report was the result of a ten-month process in which Ms Weir undertook a comprehensive review process in relation to planning and building issues raised by the Complainants.

The issues to be considered as part of the Review were identified and agreed up front along with the Review timeline. This timeline was reviewed and amended where appropriate, with the agreement of all parties.

During preparation of the Report, WLC held meetings with the Mayor and the then Deputy Mayor (as Chair of the Governance Committee), City Officers and the Complainants. All meetings were documented by WLC and the documentation shared with all parties. Material provided to WLC during the review was held in a shared folder that was accessible to all parties.

In August 2021, a Draft Report was provided by Ms Weir to the Complainants and the City representatives. The Draft Report contained findings and four recommendations.

Ms Weir met separately with the Complainants, the Mayor, the then Deputy Mayor and City Officers to discuss and consider their comments on the Draft Report. Following the comments on the Draft Report, WLC provided the final 131 page Report (Final Weir Report), which contained a total of 15 recommendations.

It should be noted that the findings contained in the Draft Report were translated to the 15 “A Way Forward” recommendations in the Final Weir Report. The City has been working through the actions and improvements contained in these 15 recommendations.

Attached is a more detailed [overview of the process to produce the City of Melville Review of Complaints – Building and Planning Report](#) dated 17 September 2021.

In March 2022, Ms Weir provided a presentation to Elected Members on the Final Weir Report associated with the independent review and responded to a number of questions.

In May 2022, the Complainants were provided with the opportunity to make presentations to the Elected Members on the Final Weir Report.

Since February 2022, Elected Members have been provided with regular updates on the progress of the City’s implementation of the Final Weir Report’s 15 recommendations. At the time of the preparation of this report, eight of the recommendations had been completed, with the remaining seven in the process of being implemented.

Recommendation 10 contained in the Final Weir Report is the subject of a separate process guided by a resolution of the Council.

Attached is the [City’s Response to the Recommendations Contained in the Final Weir Report](#).

The Final Weir Report has not been released to the community. The format and method for releasing of the Final Weir Report is a matter for the Council to decide.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

In February 2022, an FOI request for the Final Weir Report and supporting documentation, was received and in evaluating the documents for release, concerns were raised by one of the Complainants regarding some comments made by WLC in the Final Weir Report. WLC have confirmed their opinion that the comments are considered to be important to the context of the report as a whole, and that there are no concerns with the Final Weir Report being released under FOI or published. The FOI request for a copy of the Final Weir Report was subsequently withdrawn.

The Final Weir Report contains the initials and positions of City of Melville Officers and the initials of the Complainants, which could personally identify individuals. In considering publicly releasing the Final Weir Report, the Council should consider whether to redact any identifying information.

The options for publishing the report include:

1. Publishing the Final Weir Report in full accompanied by the City's response to the 15 recommendations.
2. Publishing the Final Weir Report accompanied by the City's response to the 15 recommendations, with the initials of the Complainants and details that may identify staff being redacted.
3. Publishing a version of the Final Weir Report with any opinion and/or commentary associated with the Complainants and/or City Officers and the initials of the Complainants and the positions of Officers being redacted.
4. The Final Weir Report is not published.

The City administration recommends that the Final Weir Report be released to the public by publishing on the City's website. Officers support Option 2 as being the preferred option.

A copy of the Weir Legal and Consulting (WLC) - City of Melville Review of Complaints – Building and Planning, redacted in line with Option 2, is included as a confidential attachment to this report.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

There has been no external engagement with the community in relation to the Final Weir Report.

### **II. OTHER AGENCIES / CONSULTANTS**

There has been no external engagement by the City with other agencies or consultants in relation to the content of the Final Weir Report or its publication.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.23 of the Local Government Act 1995 provides that a meeting maybe closed to the public if the meeting or part of the meeting deals with any of the following –

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person; and*
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

It is not intended to release the personal information of any person associated with the Final Weir Report or for those parties to be easily identifiable and it is recommended that any identifying information be redacted from the Final Weir Report prior to it being released.

If the Council wished to publish the Final Weir Report in full, consultation with the parties that may be identified would be required under the *Freedom of Information Act 1992*.

The requirements of the Information Commissioner in releasing information would also be considered and supports the Option 2 to remove any identifying information.

**FINANCIAL IMPLICATIONS**

The work undertaken by Weir Legal and Consulting to undertake the independent review and produce the City of Melville Review of Complaints – Building and Planning was at a total cost of \$128,590.

The City has accepted the Final Weir Report and any redaction work and publishing would be undertaken in-house and therefore no further costs are anticipated.

In addition to the Final Weir Report, legal fees in respect to the properties the subject of this report were estimated to be in excess of \$90,000.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement & Consequence	Level of Risk	Risk Treatment
The City of Melville has expended considerable community funds to undertake the Independent Review. Given that the process was initiated to address concerns expressed by members of the community and the complaints have been previously levelled at the City in respect to a perceived lack of openness and transparency, reputational risk may arise if the community is not provided with access to the Final Weir Report and the actions proposed to be undertaken and/or implemented by the City in response to the 15 recommendations.	Medium	That due to the public interest in this matter and in the interests of openness and transparency the Council publish the Final Weir Report with the actions undertaken by the City in response to the 15 Recommendations identified.
That members of the community (the Complainants) and Officers (some of whom no longer work at the City) may be identifiable by the contents of the full Final Weir Report.	High	That relevant identifying information (eg the initials of the Complainants and the position of officers) be redacted from the version available to the public.
The Complainants may object to the redacted version of the Final Weir Report being released.	High	That identifying information be redacted to mitigate the possibility of involved parties being identified.

**POLICY IMPLICATIONS**

Relevant Council Policies, systems, procedures and practices will be reviewed and amended in order that the recommendations as agreed, are met.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Weir Legal and Consulting spent 10 months gathering and considering information, conducting interviews, liaising with the parties involved with the review, and writing the report. The resultant final report may be noted or rejected by the Council.

City Officers are recommending that the Council accepts the Final Weir Report and that it be published to the City's website with initials and information identifying the Complainants and Officers involved being redacted. It is also recommended that the actions undertaken to date by the City in relation to the 15 Recommendations in the Final Weir Report, be published for the information of the community.

The Council could choose to publish the Final Weir Report in a different format, or not to publish it at all.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**CONCLUSION**

This report formally presents the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021, to the Council. City officers worked with the Consultant by providing requested information and comment on the Draft Report.

The Council's purpose of the independent review of was to review:

- issues associated with the Planning, Building and Environment Health matters raised by two Complainants; and
- the City's interactions with both residents relating to their complaints.

The City acknowledges, with the benefit of this in-depth review and hindsight, that it could have done things better and has taken this opportunity to review how it could improve its systems, processes and procedures and has accepted the 15 recommendations contained within the Final Weir Report. Since the Final Weir Report was received in September 2021, actions have been undertaken to implement the 15 recommendations and the Council has been advised of these through updates.

It is now considered timely and in the public interest for the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021, along with the City's response to 15 Recommendations contained in the report to be made available to the wider community.

**OFFICER RECOMMENDATION (5927)**

**APPROVAL**

At 8:17pm (15 November 2022 OMC) Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council**

1. **Accepts the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021 (Final Weir Report).**
2. **Notes the [City's Response to the Recommendations Contained in the Final Weir Report](#).**
3. **Directs the CEO to publish on the City's website:**
  - a. **The Weir Legal and Consulting City of Melville Review of Complaints Building and Planning, to the City of Melville website with the initials of the residents and the positions of the City staff be redacted; and**
  - b. **the [City's Response to the Recommendations Contained in the Final Weir Report](#).****for a minimum of two years.**

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**Amendment**

**COUNCIL RESOLUTION**

At 7:42pm Cr Edinger moved, seconded Cr Ross –

**Amend the Motion by**

**Replacing Point 3 with the following Point 3:**

- 3. Directs the CEO to**
  - a. finalise the "A Way Forward" Recommendations and Responses**
  - b. review and report on the Findings of the Weir Report, contained on pages 13 - 19 of the report;**
  - c. report back to the April 2023 Ordinary Meeting of Council.**

At 8:10pm the Mayor declared the motion

**CARRIED (7/5)**

<b>Yes</b>	7	Cr Ross, Cr Barber, Cr Mair, Cr Sandford, Cr Pazolli, Cr Edinger, Cr Spanbroek
<b>No</b>	5	Cr Fitzgerald, Cr Macphail, Cr Woodall, Cr Robins, Mayor Gear

**Reasons for the Amendment as provided by Cr Edinger**

1. The Recommendations and Responses are incomplete.
2. The Findings have not been responded to. It is not acceptable to use the excuse that "the findings contained in the Draft Report were translated to the 15 "A Way Forward" recommendations in the Final Weir Report" as a reason to not examine the Findings in detail. (Refer p10 of the Agenda)
3. The *Privacy Act 1988* is clear on what constitutes private information ("personal information" means information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not").

*At 7:45pm Cr Spanbroek left the meeting and returned at 7:47pm.*

*At 7:53pm Cr Sandford left the meeting and returned at 7:55pm.*

*At 7:54pm Cr Robins left the meeting and returned at 7:56pm.*

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 8:17pm (15 November 2022 OMC) Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council**

- 1. Accepts the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021 (Final Weir Report).**
- 2. Notes the City's Response to the Recommendations Contained in the Final Weir Report.**
- 3. Directs the CEO to**
  - a. finalise the "A Way Forward" Recommendations and Responses**
  - b. review and report on the Findings of the Weir Report, contained on pages 13 - 19 of the report;**
  - c. report back to the April 2023 Ordinary Meeting of Council.**

At 8:11pm (13 December 2022) the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MELVILLE EDITION (REC)**

Ward : All  
 Category : Operational  
 Subject Index : Advertisements; Advertorial  
 Customer Index : Herald; Melville Times  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item Motion with Notice 15.2 Advertising - Ordinary Meeting of Council held 20 September 2022  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Joanna Arbel  
 Manager Marketing and Communication

**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 &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MELVILLE EDITION (REC)**

**KEY ISSUES / SUMMARY**

- The City of Melville’s approach is to put the customer at the heart of everything we do, and as such takes an informed approach to information access and distribution.
- The City employs a multi-channel communications approach, to ensure we are inclusive and reaching the diverse sectors of our community.
- Insights and data regarding the the awareness, readership and usage by the community of the City’s multi-channels, including newspapers, helps inform marketing and communication strategies which are specific to a target audience, and in-line with specific communication objectives and outcomes.
- The City will be undertaking a Communications Study (Study) in the first quarter of 2023, which will allow the City to check back in with the community to understand how they want the City to communicate with them and where they go for particular types of information.
- The last Study was conducted in 2019, pre-Covid.
- While the previous Study indicated that community’s overall use of newspaper advertising was decreasing and digital publishing was increasing, it also indicated there was still an audience for the 45years+ demographic, and therefore still a benefit in advertising in local newspapers to reach some members of our community.
- The City of Melville has committed to reduce operational carbon emissions by a total of at least 800 tonnes of CO<sub>2</sub>e, approximately 13% of current annual emissions in 2022-2023. Increasing printed advertising will conflict with the City’s efforts to reduce this.
- This report supports extending advertising in the Herald Melville edition where it meets the communication objectives and outcomes of a given campaign/project or public notice, as part of a broader multichannel campaign and in alignment with the City’s efforts to reduce operational carbon emissions.

**BACKGROUND**

The City of Melville has advertised in local newspapers for many years, and this form of advertising has long been an effective way to promote and communicate City information, events and news to the broader Melville community.

The City has published and held a regular advertorial feature About Melville, in the local newspaper Perth Now Melville (previously known as Melville Times and Melville Gazette). The advertorial was introduced in the late 2000’s and has provided the City with a regular paid placement that has become recognised by the community.

Advertising in the Fremantle Herald Melville edition has been more intermittent, based on previous data from the community which indicated Perth Now Melville (as the Melville Times) had a higher following within the community, and that generally there had been a gap in available information regarding distribution and readership data for the Fremantle Herald, to informed decision making in preplanning advertorials and advertising.

Public notices required under contract, statutorily or recruitment advertisements may fall outside of the advertorial arrangement and can be advertised in local or State papers depending on a number of variables, including State requirements where applicable.

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MELVILLE EDITION (REC)**

The City's last communications survey indicated that our community increasingly expect digital forms of communication, it was recognised there is still an audience and therefore still a benefit in advertising in local newspapers to reach some members of our community.

At the Ordinary Meeting of Council held 17 September 2022, the following motion with notice was supported by the Council:

***“That the Council requests the CEO to prepare a report back to the December Ordinary Meeting of Council to extend advertising of public notices to include publishing notices in the Fremantle Herald Melville Edition.”***

This report responds to the above motion.

**DETAIL**

The City of Melville has a vision of engaging with our diverse community to achieve an inclusive and sustainable future and has set a significant transformation agenda to ensure it meets its mission to provide good governance and quality services for the Melville community.

Successful communication is key to the achieving this, and the way we communicate must meet the fast-changing communication expectations of the community.

The City's approach is to put the customer at the heart of everything we do, and as such takes an informed approach to information access and distribution, employing a multi-channel communications approach building on customer preferences, to ensure we are inclusive and reaching diverse sectors of our community.

The City of Melville has advertised in local newspapers for many years, and this form of advertising has traditionally been a highly effective way to promote and communicate City information, events, and news to the Melville community.

The City has held and published a regular paid advertorial feature, About Melville, in the local newspaper Perth Now Melville (previously known as Melville Times and Melville Gazette) which historically has been the most widely read local newspaper, according to community feedback.

While not holding a regular paid advertorial feature in the Fremantle Herald, the City has advertised in the Fremantle Herald intermittently.

The media and advertising landscape has changed dramatically over the last five years, and this has seen the City actively reduce its regular Perth Now Melville advertorial feature in response to the community's increasing preference for digital access to information. Recognising the digital shift, the City has been working to harness the potential of digital channels which our community are now using, to ensure information is easily available and accessible to them.

Despite the digital shift, the City does recognise there is still an audience, for local newspaper advertising, and therefore still a benefit to local newspaper advertising.

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MEVILLE EDITION (REC)**

In 2019 (pre-Covid), the City undertook a Communications Study surveying the community with the results indicating at that time that;

- The most popular media was the City’s electronic resources (38.8%), particularly the City’s website (30.8%).
- The next most popular media was newspapers (27.5%) and other online, digital and social channels (26.3%).
- The popularity of newspapers was driven by: the local community newspapers (24.8%) and of these, it was the Melville Times (now known as Perth Now Melville) that was most commonly mentioned (16.1%).

Based on the 2019 Communications Study and other indicators, the City maintained the weekly branded advertorial About Melville in Perth Now Melville until 2021. Following an annual operational review at the end of 2021, and after noting a concurrent decrease in demand for newspaper advertising, as City services move towards digital delivery, the weekly advertorial was reduced to fortnightly.

It should be noted that urgent public notices that are required under law, contract and employment advertisements fall outside of this advertorial arrangement.

The City will be conducting an annual review of its communications channels in December 2022, and the outcomes combined with the results of a planned Communications Study in the first quarter of 2023. This will assist in the planning future newspaper advertising arrangements based on community expectations.

**Local jobs for local distribution**

Information provided by the local papers regarding employment of distribution walkers indicated that:

- Fremantle Herald employs approximately 110 walkers for its total distribution area.
- Perth Now Melville employs approximately 78 walkers for the Melville distribution area.

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MELVILLE EDITION (REC)**

**Table of comparison for distribution, costs and digital access**

Publication	Frequency print distribution	Print circulation	Digital audience	Log-in required for online edition	Cost of half page print ad (ad hoc booking, page 5)
<b>Fremantle Herald Melville East</b> 1. Applecross 2. Ardross 3. Bateman 4. Booragoon 5. Brentwood 6. Bull Creek 7. Mt Pleasant 8. Myaree 9. Winthrop Bulks (3550)	Fortnightly	17,300  *only letterboxed on special deliveries bringing total circulation up to 21,700	Unable to provide data	No	\$865.15 inc. GST
<b>Fremantle Herald Melville West</b> 1. Alfred Cove 2. Attadale 3. Bicton 4. Kardinya 5. Melville 6. Murdoch 7. Palmyra 8. Willagee Bulks (3570)	Fortnightly	18,500  *only letterboxed on special deliveries bringing total circulation up to 22,300	Unable to provide data	No	\$865.15 inc. GST
<b>Perth Now Melville</b> 1. Alfred Cove 2. Applecross 3. Attadale 4. Bicton 5. Booragoon 6. Brentwood 7. Bull Creek 8. Kardinya 9. Leeming 10. Melville 11. Mt Pleasant 12. Murdoch 13. Myaree 14. Palmyra 15. Willagee 16. Winthrop	Weekly	28,000  30% bulk drops 70% letterbox	Period 26 July to 23 August 2022  Page views: 55.7K Users: 58.7K	No	\$1373.33 inc. GST

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MEVILLE EDITION (REC)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The last external engagement with the community, specifically in relation to Advertising, formed part of a 2019 Communications Study.

The City will be undertaking a Communications Study in the first quarter of 2023, which will allow the City to check back in with the community to understand how they want the City to communicate with them and where they go for specific types of information.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with other agencies or consultants is required at this time.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 1.7 of the *Local Government Act 1995* provides that where under this Act local public notice of a matter is required to be given, notice of the matter must be —

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

Section 3A of the *Local Government Act 1995 (Administration) Regulations* for the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —

- (a) the period specified in or under the Act in relation to the notice; or
- (b) if no period is specified in relation to the notice — a period of not less than 7 days.

Section 3A of the *Local Government Act 1995 (Administration) Regulations* for the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —

- (a) publication in a newspaper circulating generally in the State;
- (b) publication in a newspaper circulating generally in the district;
- (c) publication in 1 or more newsletters circulating generally in the district;
- (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MEVILLE EDITION (REC)**

Section 1.8 of the *Local Government Act 1995* provides that where under this Act State-wide public notice of a matter is required to be given, notice of the matter must be given *in accordance with section 1.7(a) and (b) and the requirements prescribed for the purposes of this section.*

Section 3B of the *Local Government Act 1995 (Administration) Regulations* provides that for the purposes of section 1.8, one of the ways in which Statewide public notice must be given *is the way prescribed in regulation 3A(2)(a) or (d).*

**FINANCIAL IMPLICATIONS**

The City will undertake a cost Communications Study in 2023 at an estimated at a cost of \$20,000 to check back in with the community and ensure we are designing our communications channels with the customer needs and expectations at the centre.

There may be an increase in advertising costs if additional advertising is required either due to timing or duplication across two local newspapers. This cost could impact the use and access to alternate multi-channel communications for a given project, depending on budgetary and timing needs. This would need to be assessed on case-by-case basis.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement & Consequence	Level of Risk	Risk Treatment
That some members of the community will not have access to City information if they solely access the Fremantle Herald Melville edition for that information.	Medium	Conduct a Communications Survey to understand and check (post-covid) where and how the community access information about the City.
The City of Melville has committed to reduce operational carbon emissions by a total of at least 800 tonnes of CO <sub>2</sub> e, approximately 13% of current annual emissions in 2022-2023. Increasing printed newspaper advertising will work in conflict with the City's efforts to reduce this.	High	That public notices only be printed in local newspapers on an ad-hoc basis where the audience and multi-channel approach warrants it. The City has reduced its print advertising by half in 2022.
The Fremantle Herald Melville edition, distributes to one half of the City each alternating week which may impact audience reach for timely notifications.	Low	Run the public notice across two weeks to ensure complete City distribution, is operational timing and budget allows for it.

**M22/5942 – ADVERTISING PUBLIC NOTICES IN THE FREMANTLE HERALD MEVILLE EDITION (REC)**

**POLICY IMPLICATIONS**

The City has a Marketing and Communications Framework to “*enhance, protect and promote the City of Melville brand, reputation and community outcomes and products and services, while supporting and enabling the achievement of Corporate Plan and Strategic Community Plan Outcomes.*”

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could endorse the establishment of a fixed fortnightly advertorial placement in the Fremantle Herald Melville edition in-line with the current arrangement for Perth Now, which will be reviewed as part of annual operational review, and may be reduced or maintained as a result of that review.

This would represent an additional estimated annual cost of \$23,000. Distribution would be to half of the Fremantle Herald Melville edition circulation, compared to the total circulation of the Perth Now, and may not align with the community’s changing communication needs, which shall be surveyed in the first quarter of 2023.

**CONCLUSION**

It is recommended that the City continue the current practice of advertising in the Herald Melville edition wherever practicable and that the extension of this be considered once the outcome of the 2023 Communications Study are known.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5942)**

**APPROVAL**

**That the Council:**

- 1. Notes that advertising in the Herald Melville edition will be extended where:**
  - a. it meets the operational communication objectives and outcomes of a given campaign/project or public notice;**
  - b. as part of a broader multi-channel campaign; and**
  - c. is in alignment with the City’s overall efforts to reduce operational carbon emissions.**
- 2. Notes that the City will review advertising of public notices in newspapers informed by a Communications Study in 2023.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**Corporate Services**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 31 October 2022 for the Council's information and noting.

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

**BACKGROUND**

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

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

**DETAIL**

The following statement details the investments held by the City as at 31 October 2022.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2022</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$60,580,408
Reserve		\$156,394,974
Trust		\$-
Citizen Relief		\$224,848
<b>TOTAL</b>		<b>\$217,200,230</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$16,476,928
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$182,123,302
<b>TOTAL</b>		<b>\$217,200,230</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$132,986,273
	A+	\$39,713,957
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$44,500,000
<b>TOTAL</b>		<b>\$217,200,230</b>

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

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 24,700,000	11.37%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,000,000	11.51%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	8.98%	15.00%	✓
CBA	AA-	AA Category	\$ 27,500,000	12.66%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.39%	25.00%	✓
NAB	AA-	AA Category	\$ 49,244,713	22.67%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 36,700,000	16.90%	25.00%	✓
Westpac	AA-	AA Category	\$ 31,541,560	14.52%	30.00%	✓
<b>TOTAL</b>			<b>\$ 217,200,230</b>	<b>100%</b>		

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

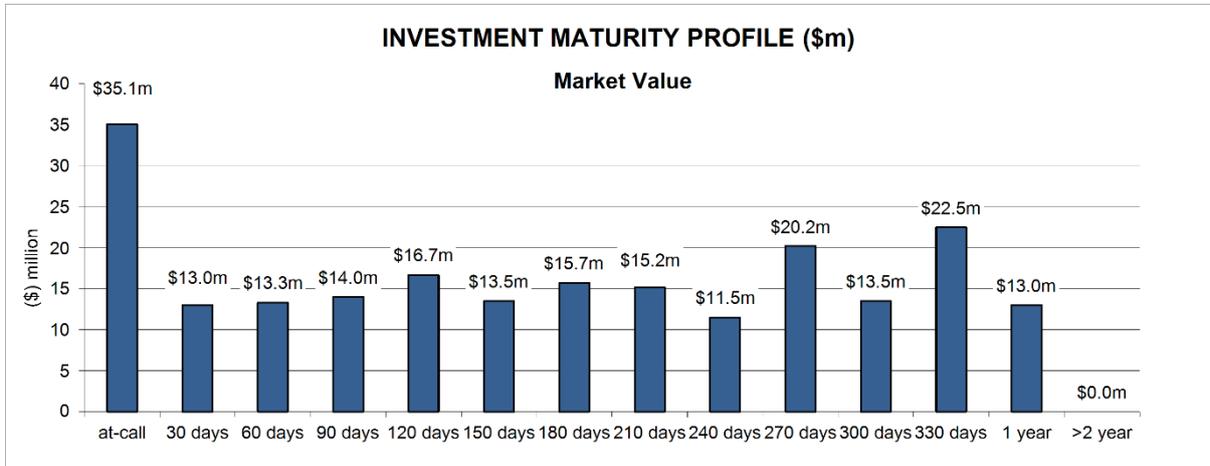
The City's investments were invested within the limits allowed within each category rating for October 2022.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 132,986,273	61%	80%	✓
A Category (A+ to A-)	\$ 39,713,957	18%	50%	✓
BBB+ Category	\$ 44,500,000	20%	25%	✓
<b>TOTAL</b>	<b>\$ 217,200,230</b>	<b>100%</b>		

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

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

The below graph summarises the maturity profile of the City’s investments at market value as at 31 October 2022. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.

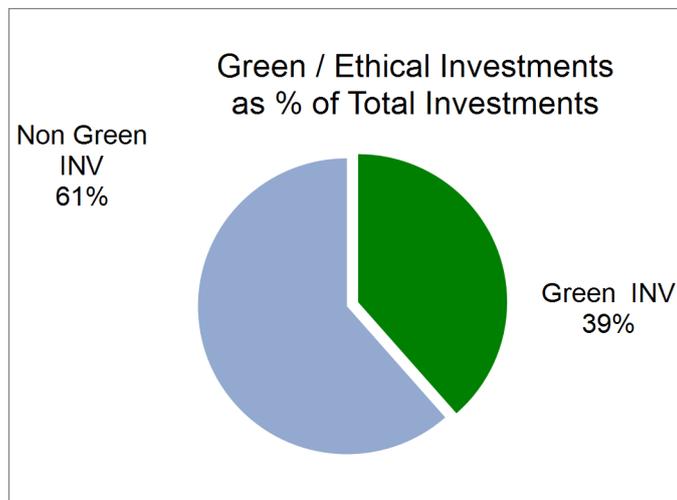


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

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

Environmental, Social & Governance Term Deposit (ESGTD) is a similar product to Green investments. ESGTD’s provide the opportunity to invest in products that seek to mitigate environmental and social risks.

The total investment in green/ethical investments as at 31 October 2022 was \$83,700,000 or 39% of total investment holdings being in non-fossil fuels institutions, compared to \$85,000,000 (38%) in September 2022. The total investments holding for October and September were \$217,200,230 and \$221,500,230 respectively.



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

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	27,500,000
Suncorp	A+	A Category	\$ 36,700,000
<b>TOTAL</b>			<b>\$ 83,700,000</b>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

This report is available to the public on the City’s website.

**II. OTHER AGENCIES / CONSULTANTS**

A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI’s) were engaged with during 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.

**FINANCIAL IMPLICATIONS**

For the period ending 31 October 2022:

- Investment earnings on Municipal and Trust Funds were \$416,846 against a year-to-date budget of \$75,000 representing a positive variance of \$341,846.

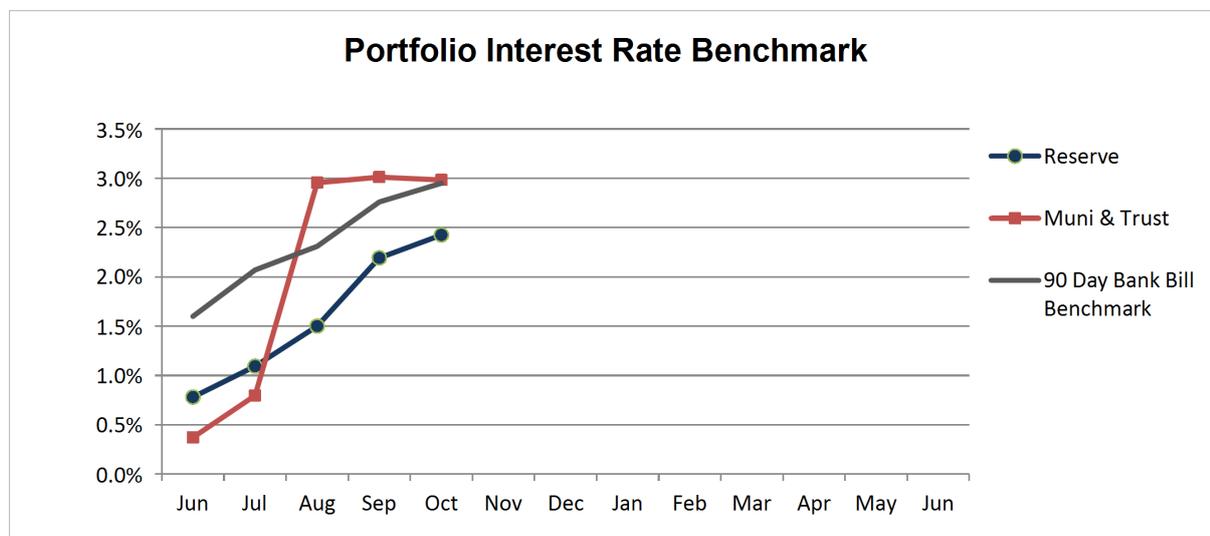
The weighted average interest rate for Municipal and Trust Fund investments as of 31 October 2022 was 2.98% which compares favourably to the benchmark three-month bank bill swap (BBSW) reference rate of 2.95%.

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

- Investment earnings on Reserve accounts were \$1,045,762 against a year-to-date budget of \$553,333 representing a positive variance of \$492,429.

The weighted average interest rate for Reserve account investments as of 31 October 2022 was 2.43% which compares unfavourably to the benchmark three-month bank bill swap (BBSW) reference rate of 2.95%.

A combination of interest rates being raised significantly, and lower than expected expenditure from operating and reserve accounts has contributed to a positive variance in investment earnings. The current official cash rate as determined by the Reserve Bank of Australia (RBA) is 2.85%, compared to 0.85% in June 2022 when the budget was approved.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

The Council’s Investment of Funds Policy CP-009 was drafted so as to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates

mechanisms that protect the City’s investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

**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.

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

**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 2.98% to 2.43% which is below the benchmark three-month bank bill swap (BBSW) reference rate of 2.95%. More rapid interest rate rises than predicted by the Reserve Bank has contributed to the difference.

39% 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 38% in September 2022.

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

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

**NOTING**

**That the Council notes the Investment Report for the period ending 31 October 2022.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

A total of \$17,115,269 direct creditor payments were paid during the month, of which, 18% of payments were paid to suppliers located within the City of Melville and 32% to suppliers within the South-West Group, compared to 18% and 30% of total of \$8,842,586 direct creditor payments made over September 2022 respectively.

The biggest payment of \$8,493,765 made during the month was the payment to the ESL payment to the Department of Fire and Emergency Services (DFES). Approximately 95% of supplier invoices are paid within 30 days of receipt of the invoices. The below table details the Summary of Payments Made for the period:

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 October including Payment Register numbers, Cheques: 827-828, Electronic Funds Transfers batches: 796-799, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 25 November 2022.

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

<b>SCHEDULE OF PAYMENTS MADE OCTOBER 2022</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b>Cheques</b>	Chq Payment Register No. 827 and 828	\$1,941.00
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
<b>Electronic Funds Transfers</b>	EFT Payment Register No. 796,797 and 799	\$16,670,786.98
	EFT Payment on Restricted Funds Register No. 797,798 and 124	\$66,500.00
	Less Cancelled EFTs	(\$4,928.00)
		<b>\$16,734,299.98</b>
<b>Direct Debits</b>	Bank Fees	\$37,469.85
	Ampol Fuel	\$130,885.30
<b>Direct Payments</b>		\$212,614.84
	<b>Total Direct Creditor Payments</b>	<b>\$17,115,269.97</b>
<b>Payroll</b>	Total Pay 8 and 9	\$4,261,481.27
	<b>Total Payroll</b>	<b>\$4,261,481.27</b>
<b>Cards</b>	Westpac Corporate Cards	\$19,978.96
	Westpac Purchase Cards	\$74,570.65
	American Express	\$6,477.12
	<b>Total Card Payments</b>	<b>\$101,026.73</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$21,477,777.97</b>

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

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>		
<b><i>Interfund Transfers</i></b>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$6,972,338.36)
Reserve		\$6,972,338.36
Trust		\$0.00
<b><i>Total Interfund Transfers</i></b>		<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>		
Westpac Bank	3/10/2022	\$1,200,000.00
Westpac Bank	5/10/2022	\$3,700,000.00
Westpac Bank	6/10/2022	\$3,000,000.00
Westpac Bank	7/10/2022	\$2,000,000.00
Westpac Bank	10/10/2022	\$700,000.00
Westpac Bank	14/10/2022	\$800,000.00
Westpac Bank	18/10/2022	\$2,000,000.00
Westpac Bank	20/10/2022	\$1,500,000.00
Westpac Bank	21/10/2022	\$800,000.00
Westpac Bank	26/10/2022	\$800,000.00
Suncorp Bank	27/10/2022	\$1,000,000.00
Suncorp Bank	28/10/2022	\$1,700,000.00
<b><i>Total New Investments</i></b>		<b>\$19,200,000.00</b>
<b>Grand Total</b>		<b>\$40,677,777.97</b>

Details of the payments are shown in attachment [6001 Payment Details October 2022](#).

Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

The Schedule of Payments for the month totals \$40,677,777.97.

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

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

**NOTING**

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

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

<p>This report presents:</p> <ul style="list-style-type: none"> <li>• The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 October 2022 and recommends that they be noted by the Council.</li> <li>• Year-end processes are still underway and therefore the final figures for October 2022 may be different from what is presented in this report.</li> <li>• The variances for the month of 31 October 2022 and recommends that they be noted by the Council.</li> <li>• The Budget amendments required for the month of 31 October 2022 and recommends that they be adopted by Absolute Majority decision of the Council.</li> </ul>
--

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

**BACKGROUND**

The Statements of Financial Activity for the period ending 31 October 2022 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION**

- End of financial year processes for 2021-2022 are still underway and therefore the final figures for 2021-2022 may be materially different to what is presented in this report.
- The City's total investments holding for October were \$217.2m of which the Municipal cash balance at the end of the month was \$60.58m and \$156.4m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 31 October was \$83.7m or 39% of total investment holdings, compared to \$85.0m (38%) in September 2022.
- The 2022-2023 Rates generated to October totalled \$96.06m, \$0.25m higher than budgeted due to interim adjustments in respect of both Commercial and Residential improved properties.
- Total debtor collections for October 2022 equalled \$14.2m. The Rates collection target is 68.7% and the actual collection is tracking slightly higher at 69.4%, compared to 67.7% for same period in previous year 2020-2021. The total outstanding debtors (including all rates and sundry debtors) is \$39.28m as of 31 October 2022.

**DETAIL**

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

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

**Variances**

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

- [6002B Setting Nature Type October 2022](#): Rate Setting Statement by Nature or Type  
[6002H Statement of Variances October 2022](#): Statement of Variances in Excess of \$100,000

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

**Revenue**

Rates raised as of October were \$96,061,796, compared to a year-to-date budget of \$95,806,944. The positive variance of \$254,852 is due to interim adjustments in respect of both Commercial and Residential improved properties.

**Rates Collection**

<b>SUMMARY OF RATE DEBTOR MOVEMENT</b>					
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	5,453,565	5,453,565	0%	6,491,862	-16%
Debtors Raised	119,582,899	119,232,715	0%	117,992,994	1%
Payments Received	(86,697,564)	(73,049,774)	19%	(83,106,430)	4%
Closing Balance	38,338,900	51,636,506	-26%	41,378,427	-7%

Total rate debtor collections for the month equalled \$13,647,789.

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
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	642,878	642,878	0%	882,151	-27%
Invoices Raised	3,020,992	2,204,581	37%	2,406,439	26%
Receipts	(2,729,551)	(2,173,771)	26%	(2,703,656)	1%
Prepayments	5,907	5,716	3%	4,863	21%
Closing Balance	940,227	679,404	38%	589,797	59%

Sundry debtor balances increased by \$260,822 over the course of October from \$679,404 to \$940,227 of which total 90-day sundry debtors over \$1,000 for the month is \$170,111, representing 18% of total sundry debtors.

**Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for October 2022.

**Budget Amendments**

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

Variances greater than \$100,000 processed in October 2022 are highlighted in the attachment.

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

**Granting of concession or writing off debts owed to the City**

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

**Sundry Debtors**

There were no Sundry Debtors written off for the month of October 2022.

**Rate Debtors**

There were no rates written off for the month of October 2022.

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

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

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

## **FINANCIAL IMPLICATIONS**

### **Variances**

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

## **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

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

## **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable

## **CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 31 October 2022.

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

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

At 8:11pm Cr Mair moved, seconded Cr Fitzgerald –

**That the Council:**

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2022 as detailed in the following attachments:**

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

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

At 8:11pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

**Item Brought Forward**  
See Page 31.

**C22/5947 – COUNCIL MEETING SCHEDULE 2023 (REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Schedule of Meetings  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item M18/5656 – Council Meeting Schedule 2019 – December 2018 Ordinary Meeting of Council  
 Item M19/5710 – Council Meeting Schedule 2020 – November 2019 Ordinary Meeting of Council  
 Item M20/5794 – Council Meeting Schedule 2021 December 2020 Ordinary Meeting of Council  
 Item M/21/5883 – Council Meeting Schedule 2022 December 2021 Ordinary Meeting of Council  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Corrine Newman  
 Head of Governance

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</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 to note.</i>

**C22/5947 – COUNCIL MEETING SCHEDULE 2023 (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2023.
- This report considers changes to the Council Meeting cycle to provide better clarity to Elected Members in their decision-making pathway.
- The Council is required to determine the meeting dates for Ordinary Meetings of Council each year.
- The adopted meeting details are to be published on the City's website.
- The report recommends adoption of the proposed meeting schedule for 2023.

**BACKGROUND**

The Council Meeting Cycle was reviewed in December 2021 where the Council resolved to amend the monthly meeting cycle to hold the Agenda Briefing Forum on the second week of the cycle:

- First Tuesday – Elected Member Engagement Session
- Second Tuesday – Agenda Briefing Forum
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday – Elected Member Engagement Session
- Fifth Tuesday (where applicable) – Elected Member Engagement Session

This was a result of discussions with Elected Members as part of the Organisational Cultural Workshops in 2020 which highlighted a desire for different forms of collaboration between the Elected Member Group and the Administration and consideration given to amending the meeting structure to allow more time between the Agenda for Council meetings being released and the Agenda Briefing Forums.

Discussions during 2021 highlighted the importance of Elected Members meeting to gather information on topical issues and to have informal discussions around strategic direction, major projects and organisational priorities. This has resulted in the amalgamation of Elected Member Information Sessions, Informal Meeting of Elected Members and Elected Member Workshops into a singular format being Elected Member Engagement Sessions.

**DETAIL**

Elected Members were given the opportunity to make comment on the existing meeting cycle, with responses received from six Elected Members as follows:

- All respondents indicated they were happy with meetings being held on Tuesday evenings.
- All but one respondent was happy with Ordinary Council Meetings and Agenda Briefing Forums commencing at 6.30pm.
- All but one respondent was happy with Elected Member Engagement Sessions commencing at 6.00pm

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public, held in the Council Chambers and broadcast live to the community. Formal decision making by the Council only takes place at the Ordinary Meeting of Council.

**C22/5947 – COUNCIL MEETING SCHEDULE 2023 (REC) (ATTACHMENT)**

It is proposed to continue with the existing meeting schedule each month, with the exception of:

- January 2023 when the Council is in recess;
- December 2023 when meetings are brought forward to allow for the Council resolutions to be actioned in time to accommodate for the festive period.

It is proposed to hold Elected Member Engagement Sessions (EMES) on Tuesdays that are not required for an Ordinary Meeting of Council or an Agenda Briefing Forum. It should however be noted that, under these circumstances, an Elected Member Engagement Session would be scheduled to be held on Tuesday 25 April 2023, which is the ANZAC Day public holiday. It is proposed that if an EMES is required that week, it will be held on Wednesday 26 April 2023.

A copy of the proposed 2023 proposed meeting cycle calendar, based on this proposal is attached [2023 Council Meeting Schedule](#).

Election Day for the 2023 Local Government Elections has been set as Saturday 21 October 2023 and this will not impact the proposed Council Meeting Schedule and this date allows for the outgoing Council to complete the decision making cycle for that period.

The proposed meeting cycle calendar for 2023 provides for a January Recess and does not schedule formal meetings during this time, it should be noted that a Special Meeting of the Council may be called in January 2023 if there are any matters requiring a timely decision of the Council.

The meeting dates for December 2023 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as has been the practice in recent years.

Special Meetings of Council may be called through 2023 on an as-needed basis in accordance with s5.4 of the *Local Government Act 1995*.

The City has the necessary hardware, software, and processes in place to deal with any future impacts of the COVID-19 Pandemic on Council Meetings and this meeting cycle would be able to continue in the event of a lock-down or other scenario that may preclude in-person attendance at meetings. In addition to this, the recent changes to the *Local Government Act 1995* allows greater flexibility for Elected Members to attend meetings electronically.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

The City informs the public of the dates that Council meetings will be held through the media, press releases and notices at the Civic Centre, Libraries, and website. When adopted, the meeting schedule for 2023 will be advertised in a local newspaper.

### **II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**C22/5947 – COUNCIL MEETING SCHEDULE 2023 (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

The Council is to formally resolve its meeting schedule for the next 12 months and advertise the meeting details, including date, time and place. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the *Local Government Act 1995* requires that the City give public notice of the date and agenda for the Council meeting.

Regulation 12(2) of the *Local Government (Administration) Regulations 1996* requires that the City, at the beginning of the year publish on its official website the details of Ordinary Meetings of the Council and any changes to the adopted meeting details.

The community will be informed of any Special Meetings of the Council in accordance with the requirements of Regulation 12(4) of the *Local Government (Administration) Regulations 1996*.

**FINANCIAL IMPLICATIONS**

A provision for the cost of conducting Meetings of the Council within the proposed schedule is included in the 2022-2023 adopted budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Matters will be brought to the Council for decision on 11 pre-determined dates and where required, Special Meetings of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda.

There is no risk or environmental management implications in this report.

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

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

There is an option to revert to a different model for meeting frequency, which may provide a more or less frequent cycle of Ordinary Meetings of Council, increasing or decreasing the amount of decision making opportunities for the Council. Changes to the meeting cycle would have an impact on the resource allocations for this purpose.

**C22/5947 – COUNCIL MEETING SCHEDULE 2023 (REC) (ATTACHMENT)**

**CONCLUSION**

The existing monthly Council Meeting Cycle is proposed to be adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Agenda Briefing Forums for 2023.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5947)**

**APPROVAL**

**That the Council:**

- 1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2023, with the exception of December 2023, where the meeting will be held on the second Tuesday of that month.**
- 2. Approves the Agenda Briefing Forums to be held on the second Tuesday of each month, commencing in February 2023, with the exception of December 2023, where the meeting will be held on the first Tuesday of that month and be chaired by the Mayor or his delegate.**
- 3. Directs that it will go into recess during January 2023 and that neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be scheduled during that month.**
- 4. Endorses that Elected Member Engagement Sessions occur, as required, on any Tuesday evening that is not required for Ordinary Meetings of Council or Agenda Briefing Forums.**
- 5. Directs the Chief Executive Officer to publish the Schedule of Council Meetings on the City of Melville Website in order to inform the community of the Council Meeting dates for 2023.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**C22/5950 – DEFERRAL OF CONSIDERATION OF NEW POLICY CP-118 CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE (REC)**

Ward : All  
 Category : Policy  
 Subject Index : Legislation  
 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 : M21/5810 New and Amended Regulations -Local Government (Model Code of Conduction Regulations 2021, Local Government (Administration) Amendment Regulations – 16 March 2021 Ordinary Meeting of Council.  
 M21/5836 – Code of Conduct for Elected Members and New Policy CP-118 – Code of Conduct Behaviour Complaints Policy  
 M22/5935 – Proposed New Policy CP-118 Code of Conduct Behaviour Complaints Committee for the Establishment of a Behaviour Complaints Committee – October 2022 Ordinary Meeting of Council  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Corrine Newman  
 Head of Governance

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</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 to note.</i>

**C22/5950 – DEFERRAL OF CONSIDERATION OF NEW POLICY CP-118 CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE (REC)**

**KEY ISSUES / SUMMARY**

- At the 18 October 2022 Ordinary Meeting of Council, the Council deferred the consideration of the creation of a proposed new policy CP-118 Code of Conduct Behaviour Complaints Committee to the 13 December 2022 Ordinary Meeting of Council.
- There have been a number of high priority items for the Council to be informed on, or participate in since the 18 October 2022 Ordinary Meeting of Council.
- This report seeks to defer this matter for consideration in early 2023, so that sufficient time can be allocated to workshop this matter with the Council.

**BACKGROUND**

At the Ordinary Meeting of Council held 18 October 2022, the Council considered the report M22/5935 – Proposed New Policy CP-118 Code of Conduct Behaviour Complaints Committee, for the Establishment of a Behaviour Complaints Committee. The Council resolved to defer this matter as follows:

*“That the item be deferred to an Elected Members Engagement Session and brought back to the 13 December 2022 Ordinary Meeting of Council.”*

**DETAIL**

Following the deferral of this this matter, there were only three Elected Member Engagement Sessions scheduled before the agenda for the December Ordinary meeting of Council was due for distribution. There have been a number of high priority matters for the Council to receive further information on or participate in, with a number of additional meetings and commitments being required of Elected Members at an already busy time of year.

At the Elected Member Engagement Session held 22 November 2022, this item was one identified by Officers that could be postponed until early 2023.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No engagement with the City’s community is required in regard to this matter.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with other agencies or consultants is required for this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The *Local Government Act* and the *Local Government (Model Code of Conduct) Regulations 2021* set out the requirement for the City to adopt a Code of Conduct and to have processes and documents in place to support the management of Behaviour Complaints.

**C22/5950 – DEFERRAL OF CONSIDERATION OF NEW POLICY CP-118 CODE OF CONDUCT BEHAVIOUR COMPLAINTS COMMITTEE (REC)**

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the deferral of this item.

**POLICY IMPLICATIONS**

There are no policy implications associated with the deferral of this item.

**CONCLUSION**

Officers are recommending the deferral of this matter to early 2023 to enable Elected Members to deal with current higher priority items and so that this matter can be considered fully in due course.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5950)**

**APPROVAL**

**That the Council endorses the deferral of the proposed new policy CP-118 Code of Conduct Behaviour Complaints Committee (for the establishment of a Behaviour Complaints Committee) for consideration at an Elected Member Engagement Session in February 2023 with a report to the March 2023 Ordinary Meeting of Council.**

At 6:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**Community Development**

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Strategic  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Works Programme : 2022/2023 Capital Works Programme  
 Funding : \$20,000 available in 2022/2023 Capital Works Programme for demolition of the property and make good.  
 Responsible Officer : Leanne Hartill  
 Manager Neighbourhood Development

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 &amp; policies.</i>
<input checked="" type="checkbox"/>	<b>Review</b>	<b><i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i></b>
<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**

- Delegated Authority 'DA-126 Building and Demolition Permits' grants authority to the Chief Executive Officer to approve demolition permits in accordance with relevant sections of the *Building Act 2011*, *Building and Construction Industry Training Levy Act 1990* and the *Heritage Act 1990*.
- This report recommends that the Council approve the demolition of Alfred Cove Child Health Centre, Bill Sweet Park, 1 Lambert Street, Alfred Cove.
- Child Health Services provided from Alfred Cove relocated to Bicton Child Health Centre, Fred Jones Reserve, 294 Canning Highway Bicton in September 2021.
- The Alfred Cove Child Health Centre has been vacant since this date.

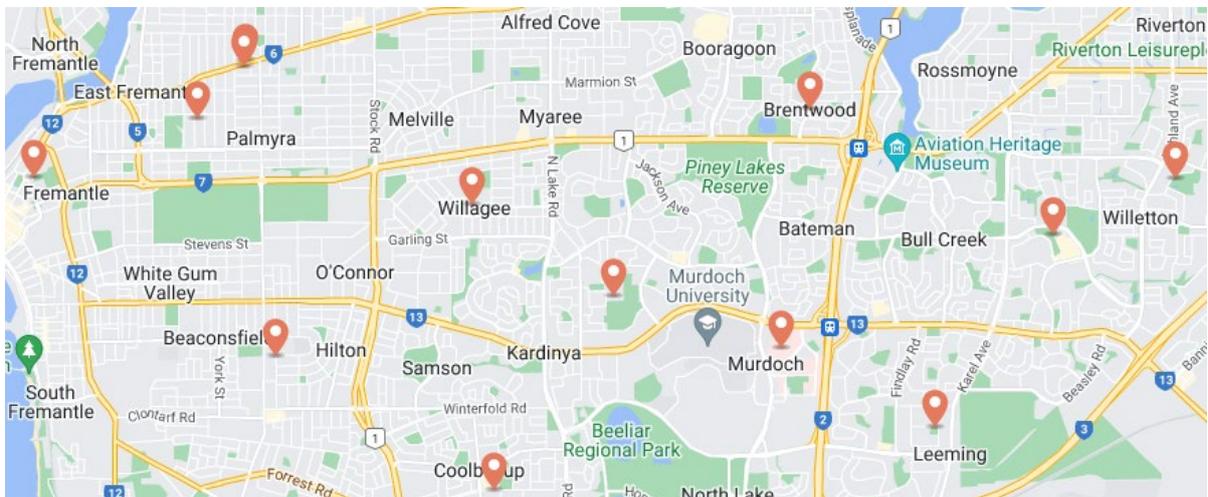
**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**BACKGROUND**

The Alfred Cove Child Health Centre, located at Bill Sweet Park - 1 Lambert Street Alfred Cove, closed in July 2021 and amalgamated with the Bicton Child Health Centre. The building is now vacant and in its current form is not fit for public use. The City is proposing to demolish the existing building and return the building footprint area to public open space.

**DETAIL**

This map shows the location of Child Health Centres in Melville and surrounding local government authorities.



**Building Condition**

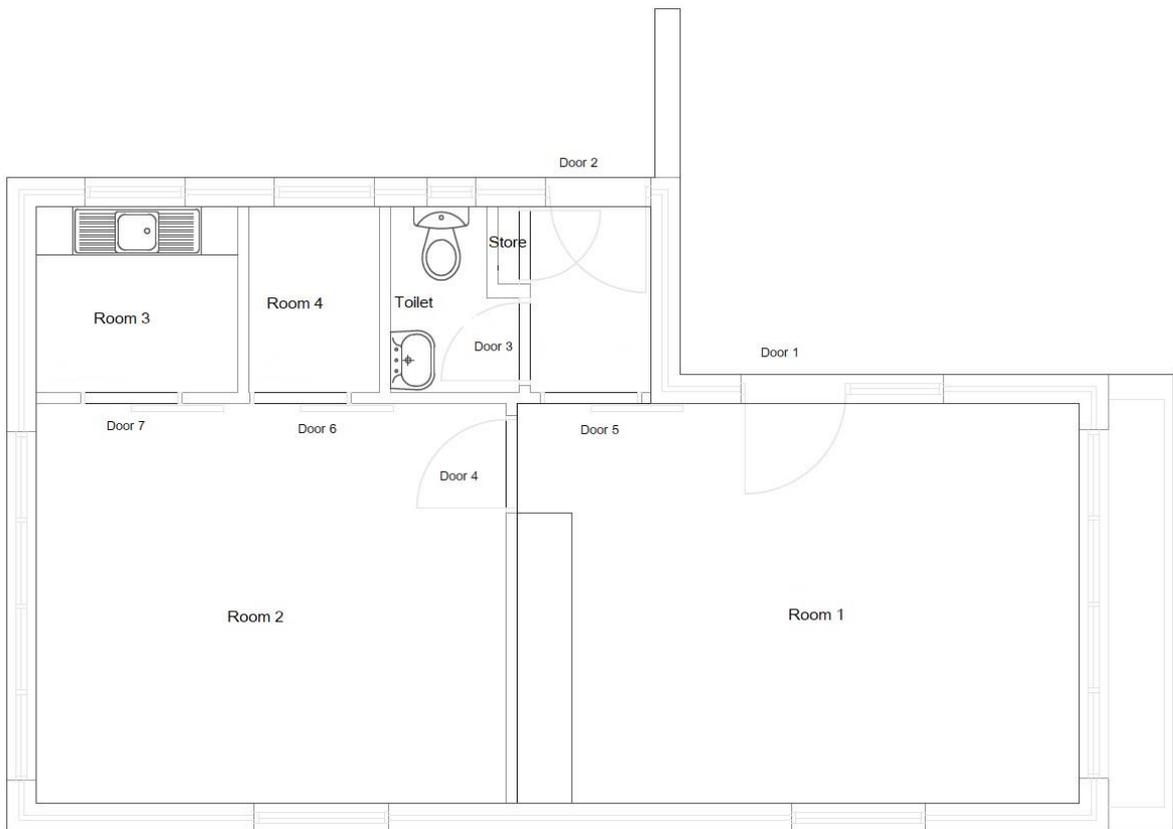
The building that previously housed the Alfred Cove Child Health Centre, is located at Bill Sweet Park - 1 Lambert Street Alfred Cove:



**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**



The building was purpose-built circa 1970 for the previous child health centre. It is a small facility of 105m2 housing 2 meeting rooms, a kitchenette, office room and toilet.



**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

The building shell is in reasonable condition, but the internal fit out is showing its age and would require work to bring it up to modern standards. The recent condition report has identified a variety of works required including essential compliance works and recommended upgrade works. It is noted in the report that the size of the existing toilet is insufficient to support a modern Universal Access Toilet.

The estimated cost of the works is outlined below:

- Essential Compliance Works: \$24,100
- Recommended Works: \$21,800
- Total \$45,900

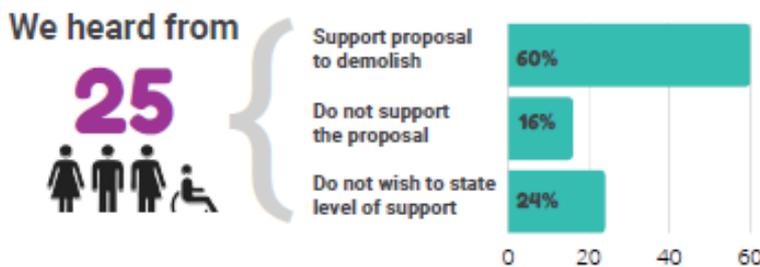
The cost of demolition of the building is estimated at \$10,000 with an additional \$10,000 to reinstate the area back to park (turf, reticulation).

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

A public comment period opened from 10 to the 27 March 2022. In addition, all residents living directly adjacent to Bill Sweet Park were delivered information about the proposed demolition of the Child Health Centre. Residents could comment/provide feedback via the Melville Talks website. We received 25 submissions, with 60% in support of the proposal to demolish the building.

**Engagement Feedback**



**Liked**

- Increase of public open space
- Reduction of traffic/parking
- Return to the beauty of the natural environment

**Concerns**

- History of the infrastructure
- Recent upgrades (air-condition and painting)
- Engagement process and availability to view building
- Availability and location to other child health centres
- Building material (asbestos)
- Parking limitations

**Ideas for consideration**

- Would like to see more trees in the space
- Opportunity for re-design of the space to include exercise equipment, sporting courts, scooter track, nature play, community garden and dog exercise area, shaded seating, gazebo and drinking fountain
- Renovate and repurpose for community purpose (child health, community meeting place, public toilets)

**How we informed**

- Direct email to 62 residents located within 50 metres of Alfred Cove Child Health Centre
- Letter drop to adjacent residents
- E-news sent to 13,981 people
- 2 Facebook posts about the proposal
  - Reach of 360 on 18 March 2022 post
  - Reach of 470 on 25 March 2022 post

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Delegated Authority 'DA-126 Building and Demolition Permits' grants authority to the Chief Executive Officer to approve demolition permits in accordance with relevant sections of the *Building Act 2011*, *Building and Construction Industry Training Levy Act 1990* and the *Heritage Act 1990*.

**FINANCIAL IMPLICATIONS**

A report on the [8152 ACCHC Compliance and Renewal Works Estimate](#) was completed in August 2022. Compliance estimates totalled \$24,100 and recommended works \$21,800 (totalling \$45,900) – noting the toilet is not UAT compliant and is unable to be modified to meet current standards.

The most recent valuation in 2021 valued the property at \$49,305 with an estimated replacement cost of \$141,286.

The building incurs ongoing operational costs amounting to an average of approximately \$5,800 per annum.

The estimated cost to demolish and reinstate to a park is \$20,000. The 2022/2023 capital works programme includes funding to carry out this work.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
Risk of increased ongoing maintenance expenses due to upgrades and ongoing maintenance required for an aged building	Minor consequences which are almost certain, resulting in a <b>High</b> level of risk	Demolition of building

\* As derived from using the Risk Matrix

**POLICY IMPLICATIONS**

The Alfred Cove Child Health Centre is a stand-alone building located in a neighbourhood park.

[8152 CP-037 Neighbourhood Development and Community Hub Policy](#) has as a stated objective:

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

*To ensure a consistent approach to Neighbourhood Development to gain the greatest community benefit through the facilitation or provision of:*

- *Facilities consolidated into identified community hubs – which aim to provide:*
  - *effective and efficient service coordination and delivery.*
  - *place making and place activation.*
  - *community building - a localised approach to the delivery of services; and*
  - *a financially sustainable community asset.*

*Community hubs are multipurpose places and spaces where a variety of activities occur, a range of goals are addressed, and different objectives can be pursued. The key to the hub concept is integration and adaptability to enable transitions as community requirements evolve. This can mean both integration of services, programs and activities within a multipurpose community facility or an integration of a range of activity generating various uses including community, sporting and cultural facilities/places, shops, transport, public parks, and plazas.*

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Maintaining the aged building, previously utilised as a purpose-built Child Health Centre, will commit the City to ongoing building and maintenance funding.

**CONCLUSION**

Th relocation of the Child Health services provided from this building and other Child Health Centres located across the City mean that the aged building is no longer required for this purpose. Kadidjiny Park and the Alfred Cove Community Arts have dedicated community meeting spaces located nearby. There is therefore no requirement to maintain this facility for community spaces and given its size and age there are no other community uses for the facility.

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (8152)**

**APPROVAL**

At 8:43pm (15 November 2022 OMC) Cr Macphail moved seconded Cr Wheatland –

**That the Council approves demolition of the vacant building at 1 Lambert Street Alfred Cove, previously utilised as the Alfred Cove Child Health Centre.**

At 9:07pm (15 November 2022 OMC) the Mayor declared the motion

**LOST (5/7)**

Yes	<b>5</b>	Cr Wheatland, Cr Pazolli, Mayor Gear, Cr Macphail, Cr Mair
No	<b>7</b>	Cr Ross, Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Fitzgerald, Cr Barber

An Officer Advice note on this item had been circulated for consideration at the 5 December 2022 Elected Member Information Session. [Officer Advice Note 1](#)

An Officer Advice note on this item had been circulated prior to the 13 December 2022 Ordinary Meeting of Council. [Officer Advice Note 2](#)

**Alternative Motion**

At 9:07pm (15 November 2022 OMC) Cr Edinger moved, seconded Cr Sandford –

**That the Council explores options and costs for repurposing the former Alfred Cove Child Health Centre including, in addition to essential compliance works, the following options:**

- **renovating the building to make it an attractive space to be offered for lease to individuals or community groups**
- **demolishing parts of the structure so as to leave an arbor like structure that can provide shelter to users of Bill Sweet Park**
- **providing some form of public art that speaks to the history of park including the former Alfred Cove Kindergarten and the child health centre.**
- **That the CEO present a report into the proposed repurposing to Council at the March 2023 Ordinary Meeting of Council**

At 8:16pm (13 December 2022 OMC) the Mayor declared the motion

**LOST (1/11)**

Yes	<b>11</b>	Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Fitzgerald, Cr Barber, Cr Pazolli, Mayor Gear, Cr Macphail, Cr Mair, Cr Woodall
No	<b>1</b>	Cr Ross

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**Alternative Motion**

At 8:16pm Cr Robins moved, seconded Cr Barber –

**That the Council:**

- 1. Approves the demolition of the vacant building at 1 Lambert Street, Alfred Cove, previously utilised as the Alfred Cove Child Health Centre.**
- 2. Requests that the CEO investigate the inclusion of one of the following Child Health Centre buildings on the Council Building Heritage list:**
  - Bicton Child Health Centre (296 Canning Hwy, Bicton);**
  - Brentwood Infant Health Centre (25 Moolyeen Rd, Mount Pleasant);**
  - Leeming Child Health Care (Cnr Meharry Road & Burnett Avenue, Leeming); or**
  - Kardinya Child Health Centre (30 Ochiltree Way, Kardinya).**

At 8:19pm, during discussion and debate, the mover and seconder consented to the inclusion of the number “2024” before the words “*Council Building Heritage List*” to read

- “2. *Requests that the CEO investigate the inclusion of one of the following Child Health Centre buildings on the 2024 Council Building Heritage list...*”

**Substantive Motion**

**COUNCIL RESOLUTION**

At 8:16pm Cr Robins moved, seconded Cr Barber –

**That the Council:**

- 1. Approves the demolition of the vacant building at 1 Lambert Street, Alfred Cove, previously utilised as the Alfred Cove Child Health Centre.**
- 2. Requests that the CEO investigate the inclusion of one of the following Child Health Centre buildings on the 2024 Council Building Heritage list:**
  - Bicton Child Health Centre (296 Canning Hwy, Bicton);**
  - Brentwood Infant Health Centre (25 Moolyeen Rd, Mount Pleasant);**
  - Leeming Child Health Care (Cnr Meharry Road & Burnett Avenue, Leeming); or**
  - Kardinya Child Health Centre (30 Ochiltree Way, Kardinya).**

At 8:19pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Reasons as provided by Cr Robins**

This will ensure that due consideration is given to retention of a child health centre in the City of Melville to preserve an example of this type of facility and architecture. There are a number of other child health centre buildings located in Melville that are still being used by the Department of Health which are situated in more appropriate locations and could potentially be included on the heritage list and be retained and repurposed once they are no longer being used as a child health centre.

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

Ward : Bateman – Kardinya - Murdoch  
 Category : Operational  
 Subject Index : Petitions & Multi signed letters  
 Customer Index : Ms A Forster  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item 12.1 – Petition – Vacant Blocks Abraham, Gratwick, Mapstone Murdoch – Ordinary Meeting of Council held 18 October 2022  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Brodie Dawkins  
 Manager Community Safety  
 Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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"/>	<b>Information</b>	<b><i>For the Council/Committee to note.</i></b>

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council on the 18 October 2022 a Petition bearing six signatures of residents was acknowledged and a report be prepared for the 13 December 2022 Ordinary Meeting of Council.
- Petitioners request the Council ensures that the six blocks on the corners of Gratwick Terrace/ Abraham Place/Mapstone Gardens Murdoch are kept in a neat condition or developed with a single residence on each block.
- In accordance with the Bush Fires Act 1954, the City forwards notification to all owners of vacant properties advising of their responsibility to ensure their property is compliant with the Act by reducing any risk of fire.
- This must be maintained between 15 November until 30 April the following year only.
- The City has no provisions under the Planning and Development Act 2005 or any other subsequent regulation which would allow a local government to force a landowner to develop their land.

**BACKGROUND**

At the Ordinary Meeting of Council on the 18 October 2022 a Petition bearing six signatures of residents was acknowledged with a report to be prepared for the 13 December Ordinary Meeting of Council.

Petitioners request the Council ensures that the six blocks on the corners of Gratwick Terrace, Abraham Place, and Mapstone Gardens Murdoch are kept in a neat condition or developed with a single residence on each block.

*“We the undersigned, all being electors of the City of Melville, respectfully request that the Council ensures that the six blocks on the corners of Gratwick Terrace/ Abraham Place/Mapstone Street Murdoch are kept in a neat condition or developed with a single residence on each block. This is in line with residents’ expectations of safety, pleasant outlook, good governance and well-being. This would rid residents of an eyesore which some find depressing. It is believed that the overgrown, untidy condition of these blocks affects the value of properties in the area and also that potential buyers of neighbouring properties may be wary of what may be built on these six vacant blocks. Given that more of the suburb is well maintained, one wonder why this blot on the landscape has been allowed to exist for so long.”*

**DETAIL**

There are currently 1359 parcels of residential vacant land within the City.

The vacant land in question is 2A-B Abraham Place Murdoch, 1 Abraham Place Murdoch, 42 Gratwick Terrace, 2- 2A Mapstone Gardens Murdoch.

The below photos were taken on 4 November 2022 and the aerial photo was taken in March 2022.

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

2- 2A Mapstone Gardens Murdoch



1 Abraham Place Murdoch, 42 Gratwick Terrace,



2A-B Abraham Place Murdoch



**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

Overview of area



In accordance with the *Bush Fires Act 1954*, the City forwards notification to all owners of vacant properties advising of their responsibility to ensure their property is compliant with the Act by reducing any risk of fire.

This must be maintained between 15 November until 30 April the following year only.

During this period, Rangers patrol the area to ensure all owners have removed flammable matter, including long standing grass and weeds, cartons, paper or any combustible material from the property.

The City has no provisions under the *Planning and Development Act 2005* or any other subsequent regulation which would allow a Local Government to force a landowner to develop their land.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Information and notices are issued directly to vacant landowners, through social media and the Government Gazette.

**II. OTHER AGENCIES / CONSULTANTS**

Nil.

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

**STATUTORY AND LEGAL IMPLICATIONS**

Notices are issued pursuant to Section 33 of the *Bush Fires Act 1954*, requiring on or before the 15 November 2022, or within fourteen (14) days of the date you become the owner or occupier of land situated in the City of Melville should this be after the 15 November 2022 and thereafter up to and including 30 day of April 2023, to clear all flammable material, on land owned and/or occupied by you in accordance with the requirements of the notice.

There are no legal or statutory implications resulting from this report and recommendation.

**FINANCIAL IMPLICATIONS**

There are no further direct up front financial implications if the City continues to inspect vacant land and other properties as identified each year during the period given in the notices under the *Bush Fires Act 1954*.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
Risk of long dry grass on vacant land posing a risk to neighbouring property.	Moderate consequences which is possible, resulting in a medium level of risk	Review the dates in the Bushfire notice requiring the removal of flammable matter, including long standing grass and weeds, cartons, paper or any combustible material from the property, to see if the dates need to be bought forward and/or extended

**POLICY IMPLICATIONS**

There is no Council Policy that relates to this item.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City's current notice requires the owner or occupier on or before the 15 November 2022 till the 30 April the following year to have removed flammable matter, including long standing grass and weeds, cartons, paper or any combustible material from the property.

Living trees, shrubs, plants under cultivation and green lawn are exempt of the requirements.

The dates requiring the removal of flammable matter will be reviewed for the 2023/2024 Bushfire notice period and make changes to the date(s) if required.

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

**CONCLUSION**

There is no ability under the Planning and Development Act 2005 regulation which would allow a Local Government to force a landowner to develop their land.

The *Bushfires Act 1954*, Section 33 allows the issuing of notices to all property owners and occupiers within the City of Melville to clear flammable material from their property during a certain time that can be set by the City.

The dates requiring the removal of flammable matter will be reviewed for the 2023/2024 Bushfire notice period and make changes to the date(s) if required.

**OFFICER RECOMMENDATION (8156)**

**NOTING**

At 8:23pm Cr Mair Moved, Seconded Cr Macphail–

**That the Council:**

- 1. Notes this report in response to the petition receive relating to the six blocks on the corners of Gratwick Terrace, Abraham Place and Mapstone Gardens Murdoch and that no further action is required by the City of Melville.**
- 2. Directs the CEO to advise the lead petitioner of the Council Decision.**

**Amendment**

At 8:23pm Cr Robins moved, seconded Cr Fitzgerald–

**That the following points be added to the Officer Recommendation as follows:**

- 3. Notes its intention to continue discussions about increasing the rate in the dollar for rates levied on unimproved residential land, and include in discussions a potential rates discount for unimproved residential land which is well-maintained. which may encourage development of unimproved land (i.e. vacant blocks) across the City.**
- 4. Directs the CEO to write to the owners of the vacant blocks at 2A-B Abraham Place Murdoch, 1 Abraham Place Murdoch, 42 Gratwick Terrace Murdoch, 2- 2A Mapstone Gardens Murdoch requesting that twice annually they clear the blocks of overgrowth, visual pollution and dumped rubbish.**

At 8:31pm, during discussion and debate, the mover and seconder consented to the inclusion of the words “a letter” before the words *“to the owners”* to read:

- 4. Directs the CEO to write a letter to the owners of the vacant blocks at 2A-B Abraham Place Murdoch, 1 Abraham Place Murdoch, 42 Gratwick Terrace Murdoch, 2- 2A Mapstone Gardens Murdoch requesting that twice annually they clear the blocks of overgrowth, visual pollution and dumped rubbish.*

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

**Amendment**

**COUNCIL RESOLUTION**

At 8:23pm Cr Robins moved, seconded Cr Fitzgerald –

**That the following points be added to the Officer Recommendation as follows:**

- 3. Notes its intention to continue discussions about increasing the rate in the dollar for rates levied on unimproved residential land, and include in discussions a potential rates discount for unimproved residential land which is well-maintained. which may encourage development of unimproved land (i.e. vacant blocks) across the City.**
- 4. Directs the CEO to write a letter to the owners of the vacant blocks at 2A-B Abraham Place Murdoch, 1 Abraham Place Murdoch, 42 Gratwick Terrace Murdoch, 2- 2A Mapstone Gardens Murdoch requesting that twice annually they clear the blocks of overgrowth, visual pollution and dumped rubbish.**

At 8:32pm, the Mayor declared the motion

**CARRIED (11/1)**

Yes	<b>11</b>	Cr Ross, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Fitzgerald, Cr Barber, Cr Pazolli, Mayor Gear, Cr Macphail, Cr Mair
No	<b>1</b>	Cr Edinger

**Reasons for the amendment as provided by Cr Robins**

Whilst the angst of neighbouring residents about untidy/unkept vacant blocks is understood, there appears to be little the City of Melville can do (especially outside of bush fire season) to ensure they are maintained in a neat and safe manner. If the City were to increase rates charged to owners of unimproved land, there may be great incentive for landowners to develop their land, thereby reducing the chance of blocks becoming unsafe or unsightly. The City of Melville council has previously discussed the option of increasing the rate in the dollar for unimproved land, and will continue to do so to ensure the best outcome for all residents across the City.

**CD22/8156 – VACANT BLOCK PETITION – MURDOCH (REC)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 8:23pm Cr Mair moved, seconded Cr Macphail –

**That the Council:**

- 1. Notes this report in response to the petition receive relating to the six blocks on the corners of Gratwick Terrace, Abraham Place and Mapstone Gardens Murdoch and that no further action is required by the City of Melville.**
- 2. Directs the CEO to advise the lead petitioner of the Council Decision.**
- 3. Notes its intention to continue discussions about increasing the rate in the dollar for rates levied on unimproved residential land, and include in discussions a potential rates discount for unimproved residential land which is well-maintained, which may encourage development of unimproved land (i.e. vacant blocks) across the City.**
- 4. Directs the CEO to write a letter to the owners of the vacant blocks at 2A-B Abraham Place Murdoch, 1 Abraham Place Murdoch, 42 Gratwick Terrace Murdoch, 2- 2A Mapstone Gardens Murdoch requesting that twice annually they clear the blocks of overgrowth, visual pollution and dumped rubbish.**

At 8:32pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Environment and Infrastructure**

Disclosure of Interest

Member	Cr Edinger
Type of Interest	Financial Interest
Nature of Interest	The company I work for is currently tendering for works in relation to the Mount Pleasant Bowling Club.
Request	Leave
Decision Leave	Leave

*At 8:32pm having declared an interest, Cr Edinger was electronically removed from the meeting.*

**EI22/4010 – MOUNT PLEASANT BOWLING CLUB PRE-TENDER COST ESTIMATE (AMREC)  
(CONFIDENTIAL ATTACHMENT)**

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 T22/3975 – Mount Pleasant Bowling Club Asbestos Removal Cost Estimate (April 2022) Item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment works (December 2021) Item T21/3900 – Mount Pleasant Bowling Club – Improvements and Refurbishment (February 2021) Item CD20/8140 – Mount Pleasant Bowling Club Review (December 2020)
Works Programme	: To be allocated to the existing project in the 2022-2023 capital works programme
Funding	: Additional funding requested in confidential attachment
Responsible Officer	: Mario Murphy Manager City Buildings

**EI22/4010 – MOUNT PLEASANT BOWLING CLUB PRE-TENDER COST ESTIMATE (AMREC)  
(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>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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**

<ul style="list-style-type: none"> <li>• The approved project budget for the refurbishment works at Mount Pleasant Bowling Club (MPBC) is insufficient to complete the works based on the Quantity Surveyor (QS) pre-tender estimate.</li> <li>• Following the Ordinary Meeting of Council in April 2022, the project has progressed through detailed design to preparation of tender documentation.</li> <li>• It was initially proposed to issue the tender for the works in October 2022 with the intention to commence works in February 2023. The issue of the tender was delayed due to the pre-tender estimate showing costs higher than existing budget.</li> <li>• It is recommended that Council approves the additional funding required to complete the City's scope for the refurbishment works as outlined in the confidential attachment.</li> </ul>
---

**EI22/4010 – MOUNT PLEASANT BOWLING CLUB PRE-TENDER COST ESTIMATE (AMREC)  
(CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

There have been four previous Council resolutions pertaining to the refurbishment project at Mount Pleasant Bowling Club:

- Item T22/3975 – Mount Pleasant Bowling Club Asbestos Removal Cost Estimate (April 2022)
- Item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment works (December 2021)
- Item T21/3900 – Mount Pleasant Bowling Club – Improvements and Refurbishment (February 2021)
- Item CD20/8140 – Mount Pleasant Bowling Club Review (December 2020)

The most recent resolution from the April 2022 Special Meeting of Council confirmed the agreed budget of \$677,193 for the project:

**“That the Council include in the 2022-2023 draft budget additional funding of \$63,084 required to allow for removal and make good of asbestos in areas of the Mount Pleasant Bowling Club facility affected by the refurbishment works. This will result in the total approved funding for the project to \$677,193 inclusive of all contingencies, professional fees and overheads”.**

Further to this resolution, City Officers have progressed the project to detailed design and preparation of tender documentation. The pre-tender estimate prepared by the Quantity Surveyor (QS) has shown significant cost increases compared to the concept design estimate prepared in October 2021.

**DETAIL**

This information is contained within the confidential attachment.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

City Officers have engaged extensively with the following stakeholders during the development of this project:

- Mount Pleasant Bowling Club: The President and other members of the Club
- Melville Cares: The previous and current CEO

**II. OTHER AGENCIES / CONSULTANTS**

- Department of Local Government, Sports and Cultural Industries
- Kim Giddens MLA, Member for Bateman
- Environmental Consultant - QED (Asbestos Audits)
- Architect - Norda Architects Pty Ltd
- Quantity Surveyor - H W and Associates

**EI22/4010 – MOUNT PLEASANT BOWLING CLUB PRE-TENDER COST ESTIMATE (AMREC)  
(CONFIDENTIAL ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

This information is contained within the confidential attachment.

**FINANCIAL IMPLICATIONS**

This information is contained within the confidential attachment.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

This information is contained within the confidential attachment.

**POLICY IMPLICATIONS**

Council Policy CP-023 Procurement Policy relating to purchases above \$550,000 and referral to the Contract Tender Advisory Unit applies.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This information is contained within the confidential attachment.

**CONCLUSION**

This information is contained within the confidential attachment.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4010)**

**ABSOLUTE MAJORITY**

At 8:33pm Cr Mair moved, seconded Cr Sandford –

**That the Council by Absolute Majority Decision endorse the resolution contained within the confidential attachment and this information be released once the tender contract has been signed.**

At 8:33pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

*At 8:33pm Cr Edinger returned electronically to the meeting.*

At 8:33pm Cr Barber advised the meeting that she is a member of the Melville Cares Committee, and retrospectively declared an Impartiality Interest on this item.

**Urban Planning**

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME  
AMENDMENT (REC) (ATTACHMENT)**

**Item Brought Forward**

See Page 42.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Application Number : Not Applicable  
 Property : Not Applicable  
 Proposal : Review of Local Planning Policy 1.2 – Design Review Panel  
 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 : P16/3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016.  
 P19/3809 Review of Local Planning Policy 1.2 Architectural And Urban Design Advisory Panel And Council Policy 68 Street Numbering – Ordinary meeting of Council held 17 September 2019.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In May 2022, a Notice of Motion was passed by the Council for a Terms of Reference to be prepared for the Design Review Panel and a presentation be made to an Elected Members Engagement Session (EMES) at an appropriate time.
- A presentation was made to an EMES on 27 September 2022.
- Minor changes to Local Planning Policy 1.2 Design Review Panel (LPP1.2) are required as outlined in the body of the report however, these are limited to changes to the scope, an increase in the membership and clarification that operation shall be as per the Model Terms of Reference in the Design Review Guide prepared by the Department of Planning, Lands and Heritage – Office of Government Architect.
- The changes to the LPP1.2 do not require public advertising.
- It is recommended the changes be approved as proposed and a notice placed in the newspaper as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**BACKGROUND**

The City of Melville has operated a Design Review Panel for many years. The operation of this panel is guided by LPP1.2 Design Review Panel which was last updated in 2019.

A joint Canning Bridge Design Review Panel was established in 2016 with the City of South Perth. Terms of Reference (TOR) were established to guide the operation of this panel. The TOR was prepared with assistance from the Office of the Government Architect and was based on best practice examples from Australia and the United Kingdom.

For a number of years, the City operated two separate Design Review Panels. The Melville Design Review Panel provided advice on development in all areas other than Canning Bridge while a joint Canning Bridge Design Review Panel was maintained with the City of South Perth. The City of South Perth also operated two panels.

This is no longer the case and both the City of Melville and South Perth currently run one panel each with meetings taking place on separate days. The same panel members are on each DRP ensuring there is consistent advice for development in the CBACP precinct.

LPP1.2 has been operational for a number of years and has been the subject of regular reviews to ensure it meets the City's requirements. The most recent review was undertaken in 2019, in response to the publication of the Design Review Guide by the Department of Planning, Lands and Heritage – Office of Government Architect. Design Review Guide provides guidance on the operation of Design Review Panels.

LPP1.2 is structured to provide information specific to Melville or clarity on issues such as the numbers required for a quorum where the Design Review Guide does not define this.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

In May 2022, the following Notice of Motion was passed:

**That the Council directs the CEO to:**

- 1. arrange for the preparation of a draft Terms of Reference for the City's design review panel**
- 2. arrange for presentation of that draft Terms of Reference to an EMES at an appropriate time**

The reasons set out for the motion were as follows:

*As the City of Melville was the first LGA in Western Australia to adopt a Design Review Panel, we undertook that process without the benefit of later recommendations about the composition, structure and processes for such a panel. This motion gives rise to an opportunity to review the structure, composition and function of the DRP and formalise an appropriate Terms of Reference for that Panel.*

This matter was presented to an EMES on 27 September and a copy of the draft changes to LPP1.2 was provided on the Elected Members portal at that time. From the EMES minor additional amendments have been included. These are shown in track changes in the attached amended draft [4007 LPP 1.2 Design Review Panel](#) that is now recommended for adoption.

## **DETAIL**

### Canning Bridge Design Review Panel

The TOR which guides the operation of the Canning Bridge Design Review Panel were prepared with the assistance of the Office of the Government Architect. Much of the information in the TOR is incorporated into the Design Review Guide prepared by the State Government on advice from the Department of Planning, Lands and Heritage and the Office of the Government Architect. As the Design Review Guide is more comprehensive than the TOR and represents the contemporary basis for the operation of Design Review Panels it is considered that the TOR is no longer needed.

The scope of LPP1.2 states that it does not apply to the Canning Bridge Design Review Panel. As the City is no longer running two separate panels and the TOR is no longer up to date, it is recommended that LPP be updated to remove that reference.

### Size and composition of the panel

In recent months the City has had a discussion with the Office of the Government Architect in relation to the operation of the DRP and potential opportunities for improvement. The Office of the Government Architect indicated it would be worthwhile expanding the number of DRP members to allow for greater flexibility and to incorporate a wider range of skills as required for certain projects. It is proposed to amend LPP 1.2 to increase the size of the panel to 10.

As described in the Design Review Guide, it is essential that a design review panel incorporates architecture, landscape architecture and urban design expertise. The panel currently comprises of three architects, one landscape architect and one urban designer.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

If the size of the panel is increased to 10 it is likely that the majority of members will have expertise in the three areas listed above, however the expanded numbers will enable the City to manage the impacts of conflicts of interest or leave requirements of panel members in a more effective way. It is noted that three to four panel members will generally be sufficient for review purposes.

Clause 5.5 of the Design Review Guide produced by the Department of Planning, Lands and Heritage Office of the Government Architect outlines membership expertise which should be on a panel. Architecture, landscape architecture and urban design expertise are essential requirements however, other professions may be appropriate. The Design Review Guide indicates that local knowledge is useful however, this type of local knowledge is expected to be provided by a professionally qualified person of the preferred professions sought by the guide. The panel needs to remain independent and apolitical and therefore the Design Review Guide discourages the appointment of decision makers, elected members or officers.

When the City undertakes an expression of interest (EOI) process, it will do so jointly with the City of South Perth. The request for EOI will be widely published to engage people from a range of professional backgrounds and encourage a range of applicants. At the end of the EOI the officers of the cities of Melville and South Perth will collaborate prior to appointing the members. The appointments will take into account a range of considerations which are outlined in Clause 5.6.2 of the Design Review Guide. The CEO's of each Local Government will be required to endorse each panel member.

The Government Architect also indicated it would be useful for the policy to give the flexibility for the City to temporarily appoint a member(s) of the State Design Review Panel if particular skills are required or if the City is unable to gather a quorum due to conflicts of interest or other unavailability. A clause has been inserted to allow for this to occur.

#### Terms of Reference

The Collins and Merriam-Webster dictionaries provide a definition for terms of reference. They both indicate that TOR is a document which contains instructions advising what they must deal with in undertaking their duties.

Synonyms for terms of refence include guidelines, scope, briefing and direction.

The Design Review Guide is essentially an operating guide for design review panels. It contains a model terms of reference. It is proposed to update LPP1.2 to clarify that operations of the DRP will generally follow the model terms of reference. It is not considered necessary to prepare a separate Terms of Reference for the City of Melville Design Review Panel.

#### Community Representation

Elected Members have previously asked the City to consider changes to LPP1.2 to enable a community representative to sit on the DRP. This is not recommended as it is not consistent with the objective of Design Review Panels which is to provide apolitical, independent, and expert advice. The Office of the Government Architect has also indicated that this practice should not be followed.

People who reside within the City of Melville and who demonstrate relevant built form qualifications as outlined in the Design Review Guide will be encouraged to nominate during the EOI process. If these people are appointed to the panel, they would be required to provide advice to proponents in accordance with the Design Review Guide.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with subclause 5(2) the local government may amend a local planning policy without advertising if in the opinion of the local government the proposed changes are minor in nature. In this instance the changes to the policy are of an administrative nature to reflect the current planning framework and advertising of the policy is not recommended.

**II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy. The proposed changes are of an administrative nature only and do not change the intent or operation of the policies. Therefore, the WAPC is not required to be consulted.

As noted in the body of the report the City officers have engaged with the Office of the Government Architect prior to undertaking the review of this policy. The policy changes relating to increased panel numbers and the ability to utilise the expertise of the State Design Review Panel members were recommended during this discussion.

**STATUTORY AND LEGAL IMPLICATIONS**

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given due regard when a decision is under review in the State Administrative Tribunal. The proposed minor modifications will improve the operations of the City in this respect.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City which result from this report.

The operating cost of the Design Review Panel varies on a yearly basis and is dependant on the number and complexity of applications received each year. The cost of running the DRP in the 2021/22 financial year was approximately \$20,800.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Local Planning Policy 1.2 Design Review is proposed to be updated as detailed above.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could resolve to require the modifications to the existing policies to be advertised to the community however, this is not recommended as it is considered the changes are minor in nature and will not impact on the objectives or operations of the City.

**CONCLUSION**

The report recommends minor modifications to Local Planning Policy 1.2 Design Review Panel to improve the administration of the panel.

**OFFICER RECOMMENDATION (4007)**

**APPROVAL**

**That the Council adopts Local Planning Policy 1.2 Design Review Panel as modified [4007 LPP 1 2 Design Review Panel](#) and notification of this is made public as per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

At 9:39pm (15 November 2022 OMC) the Mayor advised the meeting that Cr Fitzgerald had submitted an Alternative Motion with Notice which would be considered prior to the Officer Recommendation.

**Alternative Motion**

At 9:39pm (15 November 2022 OMC) Cr Fitzgerald moved, seconded Cr Mair –

**That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:**

- 1. That LPP 1.2 be redrafted to:**
  - a. include provision for membership by one community representative and at least one academic member**
  - b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies**
  - c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.**
- 2. That the redrafted LPP 1.2 be advertised for public comment.**

At 9:43pm, during discussion and debate, the mover and seconder consented to the inclusion of the words *“and include a preference for panel members to be residents of the City of Melville”* in point 2 a. to read *“a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville”* and for a new point d. to be added to read *“Add to d.2.1 a preference for at least 50% of the panel to comprise of City of Melville residents.”*

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**Alternative Motion**

At 9:39pm (15 November 2022 OMC) Cr Fitzgerald moved, seconded Cr Mair –

**That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:**

- 1. That LPP 1.2 be redrafted to:**
  - a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville**
  - b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies**
  - c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.**
  
- 2. That the redrafted LPP 1.2 be advertised for public comment.**

At 8:34pm (13 December 2022 OMC) the Mayor advised that an Officer Advice note on this item had been circulated to Council. [Officer Advice Note](#)

*At 8:34pm Cr Woodall left the meeting and returned at 8:38pm.*

*At 8:38pm Cr Barber left the meeting and returned at 8:40pm.*

At 8:51pm, during discussion and debate, the mover and seconder consented to the inclusion of the words “2. *Bring a report back to the Council after completing Point 1 including advice on separation from the City of South Perth prior to advertising the redrafted LPP 1.2 for public comment.*” In place of “2. *That the redrafted LPP 1.2 be advertised for public comment.*”

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**Alternative Motion**

**COUNCIL RESOLUTION**

At 9:39pm (15 November 2022 OMC) Cr Fitzgerald moved, seconded Cr Mair –

**That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:**

- 1. That LPP 1.2 be redrafted to:**
  - a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville**
  - b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies**
  - c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.**
- 2. Bring a report back to the Council after completing Point 1 including advice on separation from the City of South Perth prior to advertising the redrafted LPP 1.2 for public comment.**

At 8:59pm, (13 December 2022 OMC) the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Reasons for the Alternative Motion as provided by Cr Fitzgerald**

With the benefit of hindsight it is clear that past Design Review Panel assessments of design excellence are quite at odds with the council and community's expectations. The built form of the CBACP – which has necessitated a full review of that plan by the Council - has in no small part been contributed to by the recommendations of the DRP. In light of this, it is evident that the structure and practices of the DRP are not well adapted to meeting community and council's requirements for assessment of design. These proposed amendments are intended to restructure the DRP in a manner which will better reflect those needs.

**C22/5949 – RFQ222325 SUPPLY OF FIVE (5) SIDE LOADING DOMESTIC WASTE 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 and Fleet Services Vehicles, Plant and Equipment Replacement Reserve.  
 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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 a tender submitted for Supply and Delivery of 5 x Side Loading Domestic Waste Trucks
---

**C22/5949 – RFQ222325 SUPPLY OF FIVE (5) SIDE LOADING DOMESTIC WASTE TRUCKS  
(REC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

The City of Melville is seeking a suitable company to supply and deliver: 5 x Side Loading Domestic Waste Recovery Trucks

The supply of the trucks will be an outright purchase with the City taking responsibility for the service and maintenance of the vehicle.

The City is utilising WALGA contract # NPN 04-13 (Fleet, Trucks, Heavy/Medium Rigid).

The existing waste recovery trucks are not offered for trade.

The Supplier is expected (or required, as stated in this document) to comply with industry and Australian Standards relative to the supply of the waste trucks fitted with waste compactor bodies.

**DETAIL**

Responses were received from the following organisations:

- a) Penske Australia Pty Ltd (Dennis Eagle Trucks)
- b) Volvo Group Australia Pty Ltd

All Respondents properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings.

<b>Criteria</b>	<b>Scoring Weightings</b>
Technical Specification	35 %
Operational Capacity	35 %
Environmental Sustainability	20 %
Warranty Period	10 %
Total	100%
Percentage to be shortlisted	N/A
Price	Non-weighted

**C22/5949 – RFQ222325 SUPPLY OF FIVE (5) SIDE LOADING DOMESTIC WASTE TRUCKS  
(REC) (CONFIDENTIAL ATTACHMENT)**

The qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually.

The recommended Respondent achieved a qualitative score of 80.00% against the following criteria:

- i) [Technical Specification]  
The Respondent provided the required information against this criterion. The truck offered met all the necessary technical specification required.
- ii) [Operational Capacity]  
The Respondent provided the required information against this criterion.  
The Service centre is near to the City of Melville Operations Centre and offer 24/7 breakdown support.
- iii) [Environmental Sustainability]  
The Respondent provided the required information against this criterion.  
The truck offered is Euro6 which meets the City commitment to reduce its carbon footprint relative to vehicle emissions.
- iv) [Warranty Period]  
The Respondent provided the required information against this criterion.  
The warranty, service and spare parts support meets the expectations of the City's Fleet department.

The Evaluation Panel reviewed all Respondents' offers and prepared an Evaluation Report, identifying the recommended Respondent.

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) and is put forward as part of the recommendation to the Council.

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover.

Individual feedback will be issued to each unsuccessful Respondent.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

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

### **II. OTHER AGENCIES / CONSULTANTS**

No external agencies or consultants were required or engaged for this tender.

**C22/5949 – RFQ222325 SUPPLY OF FIVE (5) SIDE LOADING DOMESTIC WASTE TRUCKS  
(REC) (CONFIDENTIAL ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1).

"A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

Delegated Authority – DA-117 Authority to Sign Documents will be exercised to execute the Contract.

**FINANCIAL IMPLICATIONS**

As detailed in confidential attachments.

**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.

There are no residual risk implications following the invitation and evaluation process conducted for this item.

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

The CTAU is satisfied that the recommended respondent has demonstrated that they have relevant experience, necessary key personnel and follows a methodology in line with the City's expectations.

**C22/5949 – RFQ222325 SUPPLY OF FIVE (5) SIDE LOADING DOMESTIC WASTE TRUCKS  
(REC) (CONFIDENTIAL ATTACHMENT)**

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

**OFFICER RECOMMENDATION (5949)**

**APPROVAL**

At 8:57pm Cr Mair moved, seconded Cr Spanbroek –

- 1. Accept the recommendation as contained in the Confidential Attachment – RFQ222325 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondents' names and anticipated contract value be inserted below this point 2, awarded;**

**Volvo Group Australia (Superior) Pty Ltd  
ABN: 27 000 761 259**

At 9:08pm, the Mayor declared the motion

**CARRIED (10/1)**

Yes	10	Cr Macphail, Cr Barber, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Woodall, Cr Robins, Mayor Gear, Cr Fitzgerald, Cr Edinger
No	1	Cr Ross

## 15 MOTIONS WITH PREVIOUS NOTICE

### Disclosure of Interest

Member	Cr Spanbroek
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Social Member of the Leeming Bowling Club
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

*At 9:09pm Cr Macphail left the meeting and returned at 9:11pm.*

### 15.1 Covers for Bowling Greens at Leeming Bowling Club

An officer advice note on this motion was circulated to Elected Members prior to the meeting.  
[Officer Advice Note](#)

### Motion

#### **COUNCIL RESOLUTION**

At 9:06pm Cr Spanbroek moved, seconded Cr Woodall –

**That the Council directs the CEO to consider the inclusion in the John Connell Reserve Master Plan a cover for two bowling greens at Leeming Bowling Club and provide a report to a future Ordinary Meeting of Council.**

At 9:11pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

### **Reasons for the Motion with Notice as provided by Cr Spanbroek**

- From age 30 we lose approximately 3-5% muscle mass each decade and there are a number of factors that attribute to this. A common one is a decline in physical fitness.
- Failure to engage in mild exercise on a regular basis results in reduced muscle mass and strength, decreased bone mass, poor balance and coordination, and reduced flexibility.
- Injury Matters 2022 WA Falls Report  
Every 17 minutes someone was admitted to hospital due to a falls-related injury in 2020.  
Every 13 minutes someone presented to the emergency department due to a falls-related injury in 2020.  
Individuals aged 85+ were most impacted.
- Summer of 2021/2022 in Perth  
31 days recorded over 35.0 C  
Hot days under full sun decreases the number of members bowling.
- Increase in Total Rainfall 2021, 892.0 mm, which is 121% of the long-term average of 736.8mm.  
Increase in rainfall resulted in increase in wet days which increased the number of days with No bowls.
- With lawn bowls being played 6 days a week (including championships and carnivals), Leeming Bowling Club members take full advantage of the facilities. A cover over two greens will enable bowling to continue no matter how wet or how hot it is.
- Bowling for 4-5 hours per day for up to 5-6 days per week is more than adequate exercise to maintain bold balance, muscle and bone strengthening, and overall body movement.

## 15.2 Submission to Draft Position Statement – Child Care Premises

### Motion

#### **COUNCIL RESOLUTION**

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

**That the Council requests the CEO to prepare a submission in response to the State Governments' 'Draft Position Statement: Child Care Premises', advocating for adoption of the council's policies on childcare centres. The submission should also advocate for the explicit adoption of internationally accepted standards on air quality as a requirement for assessment of the appropriate location of childcare centres in that policy statement.**

At 9:14pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

#### **Reasons for the Motion with Notice as provided by Cr Fitzgerald**

- The State Government has sought input on its 'Draft Position Statement: Child Care Premises'. Advocacy to other levels of government is one of the key functions of the City.
- The City of Melville has recently attempted to make changes to its planning policies with respect to the location of childcare centres. To the extent that the State Government can be persuaded to adopt a position statement which reflects those policies we will be better placed to effect those changes.
- Importantly, the draft position statement **does not**, at present, mandate assessment of air quality against international accepted standards. Rather, it only notes at 5.5 that it is undesirable that "Noise and/or emissions generated by roads, railways and aerodromes or airports are likely to have an adverse impact on the childcare premises."
- Specific reference to the internationally accepted air quality standards is highly desirable.

### 15.3 Tree Canopy Cover

#### **Motion**

At 9:14pm Cr Fitzgerald moved, seconded Cr Macphail –

1. **That the Council notes with concern the recent survey of the City’s tree canopy cover which showed a dramatic reduction in tree canopy cover across the City of Melville.**
2. **Recommits to the goal identified in the Corporate Environmental Strategic Plan 2016 – 2025: ‘Greening of the City by increasing the vegetation canopy coverage’.**
3. **Requests the CEO to prepare a report on:**
  - a. **the opportunities for further protection of mature trees in light of the Town of Nedlands and City of South Perth’s proposed amendments to their Local Planning Strategy requiring development approval for removal of mature trees;**
  - b. **a realistic target for tree canopy coverage across the city, with specific targets for city controlled and private land; and**
  - c. **any other appropriate strategies or measures to ensure the preservation of tree canopy coverage across the City of Melville.**

#### **Amendment**

At 9:19pm Cr Mair moved, seconded Cr Spanbroek –

**To remove item 3a and renumber b and c, to a and b.**

At 9:29pm the Mayor declared the motion

**LOST (5/6)**

Yes	<b>5</b>	Cr Ross Cr Spanbroek, Cr Mair, Cr Woodall, Cr Robins
No	<b>6</b>	Cr Fitzgerald, Cr Pazolli, Cr Sandford, Cr Barber, Cr Macphail, Mayor Gear

15.3 *Tree Canopy Cover, continued*

**Motion**

**COUNCIL RESOLUTION**

At 9:14pm Cr Fitzgerald moved, seconded Cr Macphail –

1. **That the Council notes with concern the recent survey of the City's tree canopy cover which showed a dramatic reduction in tree canopy cover across the City of Melville.**
2. **Recommits to the goal identified in the Corporate Environmental Strategic Plan 2016 – 2025: 'Greening of the City by increasing the vegetation canopy coverage'.**
3. **Requests the CEO to prepare a report on:**
  - a. **the opportunities for further protection of mature trees in light of the Town of Nedlands and City of South Perth's proposed amendments to their Local Planning Strategy requiring development approval for removal of mature trees;**
  - b. **a realistic target for tree canopy coverage across the city, with specific targets for city controlled and private land; and**
  - c. **any other appropriate strategies or measures to ensure the preservation of tree canopy coverage across the City of Melville.**

At 9:30pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

**Reasons for the Motion with Notice as provided by Cr Fitzgerald**

- Elected Members will be aware that the City is in receipt of a report detailing that:
  - Previous estimates of tree canopy coverage across the City of Melville were overstated.
  - Current best estimates suggest that in 2016 tree canopy coverage was at 13.9%, rather than the then-estimated 24%.
  - Since 2016 tree canopy coverage across the City has declined to 12.5%.
  - The overall gain of 23ha of coverage for trees greater than 3m tall on City controlled land was offset by a loss of 107ha on private land, for a net loss of 83ha of tree canopy coverage.
  - Tree canopy coverage has declined in all suburbs except Murdoch.
- Continuing with the status quo will ensure a continuing net decline in tree canopy coverage across the City. Arresting and reversing the decline will require us to change what we are doing.
- Other local governments – including the City of South Perth and the Town of Nedlands have advertised amendments to their local planning strategy aimed at arresting the decline of tree canopy coverage on private land. The City of Melville should assess those proposals, and prepare an appropriate proposed amendment to our own planning scheme which can be actioned as soon as the WAPC's assessment of other LGA's proposed amendments are known.

## 15.4 WALGA Governance Review

At 9:30pm Cr Spanbroek left the meeting and returned at 9:33pm.

### **Motion**

#### **COUNCIL RESOLUTION**

At 9:30pm Cr Fitzgerald moved, seconded Cr Barber –

#### **That the Council:**

1. Notes that WALGA is undertaking a governance review, and has prepared four alternative options for a new structure for the WALGA Board for comment.
2. Notes that all proposed structures significantly reduce the size of the board, and allow for board appointees who are not elected members.
3. Expresses its concern that all the proposals have the potential to weaken the democratic basis of WALGA's governance and dilute the influence elected representatives have over that organisation, which is an association whose purpose is "representing and supporting the WA local government sector".
4. Does not support any of the models proposed in the governance review consultation paper.
5. Suggests that WALGA:
  - a. Clarify in all proposed models that only Elected Members of a member LGA can serve as board members of the association.
  - b. Identify specifically the concrete problems it is trying to remedy by recommending a significant reduction in the proposed size of the WALGA board.
  - c. Return with new alternative recommendations on governance structure which recognise the important differences between an industry lobby group and a peak body of democratic governments. Specifically, the proposed structure should ensure that the fundamental democratic purpose and modes of operation of the member councils is reflected in any new proposed governance structure.
6. Requests the CEO to write to WALGA advising them of the terms of this motion.

At 9:34pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

#### **Reasons for the Motion with Notice as provided by Cr Fitzgerald**

1. Councillors will be aware that WALGA is currently undertaking its second governance review since 2019. It has proposed 4 alternative models for a new board structure. Each of those proposals significantly reduces the size of the existing WALGA State Council and replaces that body with a board, which will include up to 27% of its members who are not required to be Elected Representatives of an LGA.
2. While the review consultation paper ([WALGA Best Practice Governance Review - Consultation Paper Model Options](#)) assesses that a smaller 'size' of the board is preferable, it does not give any rationale for that assessment. Further, in the online review webinar, WALGA was unable to identify any specific difficulties which it sought to address by reducing the size of the board. Some suggestion was made in that webinar that independent board members could be drawn from EMs not directly elected to the board, but this is not reflected in the proposals. It is also not clear how the board would manage appointment of EMs who might have been unsuccessful candidates for election to the board.

15.4 WALGA Governance Review, continued

3. Finally, and most notably, the desktop review which has underpinned the recommendations has drawn substantially on the example of industry lobby groups such as the Pharmacy Guild and AMA. However there is no recognition in the consultation paper of the important differences between an industry lobby group, and a peak body of democratically elected local governments. On the face of it, it seems that the proposals have not seriously considered that how those differences ought to be reflected in the structure of the governance body. Given the core democratic function and methods of LGAs, this should be clearly reflected in the governance structure of WALGA.
4. For these reasons we should advise WALGA that we would not support any of the proposals, and that the ought to reconsider the proposed models.

**15.5 Corella Management Plan**

**Motion**

**COUNCIL RESOLUTION**

At 9:34pm Cr Robins moved, seconded Cr Macphail –

**That the Council directs the CEO to:**

1. **Prepare a plan for effectively managing the Little Corella and/or Eastern Long-billed Corella population in the vicinity of Morris Buzacott Reserve and in other locations deemed necessary across the City. Officers' proposal(s) are to be workshopped at an Elected Members Engagement Session prior to a report and suitable recommendation being presented to an Ordinary Meeting of the Council prior to the end of April 2023.**
2. **Acknowledging WALGA's view that a collaborative, regional approach is most effective and efficient in controlling corella numbers and that such an approach should be led by the State Government (specifically the Department of Primary Industries and Regional Development (DPIRD) and Department of Biodiversity, Conservation and Attractions (DBCA), in collaboration with Local Governments), lobby the State Government to take the lead in continuing to work towards the development of a state-wide corella control program.**

At 9:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

**Reasons for the Motion with Notice as Provided by Cr Robins**

1. The Eastern Long-billed Corella (*Cacatua Tenuirostris*) is now well established around Perth and on the southerly Swan Coastal Plain to Busselton. This introduced species (derived from aviary escapees around Perth) is a major threat to our endemic corellas and black cockatoos. The Eastern Long-billed Corella poses an environmental threat to our endemic black cockatoos by out-competing for nest sites, their ability to remove eggs from the nest hollow and to kill and maim advanced nestlings. There is now urgent management needed in the Perth region and on the Swan Coastal Plain to control this introduced pest species. (Source: [click here](#))

15.5 *Corella Management Plan, continued.*

2. The Melville City Hockey Club (MCHC) is one of the largest sporting clubs within the City and is required to self-fund the replacement of its artificial surface every 7 to 8 years. Over the summer of 2021/22 the MCHC spent \$500,000 of its own funds on a brand new surface and associated underlay and within weeks of its installation, the Corellas had caused damage to the surface. Attempts by the club to deter or 'move on' the corellas at a cost of circa \$30,000 plus countless hours of volunteer labour have to date been unsuccessful. It is estimated that on top of damage to the turf, \$4,000 per annum is spent on repairing infrastructure surrounding the turf that has also been destroyed by these birds. This figure does not include the additional \$80,000 associated with the premature deterioration of the turf caused by the Corellas and hence its earlier than normal replacement cycle.
3. These birds are a declared pest and are causing significant damage to a wide number of City of Melville assets, with this being just one example. The City has a responsibility to ensure its clubs can continue to operate efficiently and effectively, so it is deemed appropriate to attempt to manage the negative impact this species of Corella is having.
4. A collaborative, regional approach is most effective and efficient in controlling corella numbers. Informed by experience with the Coordinated Corella Control Program, WALGA considers such an approach should be led by the State Government, specifically the Department of Primary Industries and Regional Development (DPIRD) and DBCA, in collaboration with Local Governments.
5. Despite concern at the limited effectiveness of Corella control programs undertaken by other local governments, there has been success. The City of Bunbury has a Corella Management Strategy. Culling resulted in a decrease in ratepayer and resident requests regarding the birds.

**16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)**

Nil.

**17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**19 CLOSURE**

On behalf of Elected Members, the Mayor wished the staff and community a safe and merry festive season.

The Deputy Mayor, on behalf of the Council, wished the Mayor and Mayoress a safe and festive season.

There being no further business to discuss, the Mayor confirmed Cr Pazolli and Cr Fitzgerald were still in attendance electronically and declared the meeting closed at 9:42pm.