



MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

TO BE HELD ON

TUESDAY, 19 MARCH 2019

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr T Barling (Deputy Mayor)
Cr N Robins
Cr M Woodall
Cr C Robartson (*until 10:13pm*)
Cr N Pazolli, Cr S Kepert
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Ms K Johnson
Mr B Taylor

Mr G Ponton (*until 10:13pm*)
Mr P Prendergast (*until 10:13pm*)
Mr J Hobbs (*until 10:13pm*)
Ms J Arbel (*until 10:13pm*)
Mr J Clark
Ms C Newman
Ms J Head

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
A/Director Corporate Services
A/Executive Manager Governance and
Legal Services
Manager Strategic Urban Planning
Manager Statutory Planning
Strategic Urban Planner
Strategic Communications Advisor
Governance and Compliance Advisor
Governance Coordinator
Governance Officer

At the commencement of the meeting there were approximately 13 members of the public and one representative from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

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

Nil.

At 6:36pm Mr McLerie requested permission to provide a deputation on Item M19/5670 – Creation, Access and Retention of Audio Recordings of Meetings of the Council policy. The Mayor declined the deputation as a direct interest in the matter had not been demonstrated.

6. QUESTION TIME**6.1 Questions Received with Notice****6.1.1 Mr G Gear, Alfred Cove**Question 1

I refer to the decision by council at the council meeting on the 10th of October 2018 for the following item.

M18/5642 Deed of variation and amendment to ground lease agreement for Wave Park sports recreation and leisure facility.

Was the recommendation to council from the senior executive team to support the extension of the lease?

I appreciate that this was a confidential item which may have been relevant to financial aspects of the lease however this confidentiality does not extend to my question. I have a right to know what the recommendation was even though I have not asked for the reasoning behind it.

If So:

Question 1:

Who were the Senior executives present at the meeting that formulated this recommendation?

Response

The Recommendation and Council Resolution is available on page 10 of the Minutes of the Special Meeting of Council held on 10 October 2018.

The *Local Government Act 1995* at Section 5.5 Convening Council Meetings prescribes that the CEO is responsible for preparing an agenda for the meeting. Senior executives do not meet as a group to decide what recommendations to make to the Council. This is the function of the officers from whom the report emanates and should be informed by the facts they have to hand and be guided by legislative requirements, legal agreements and Council Policy.

The role of the Senior executive at an agenda settlement meeting is to ensure that the report is written clearly and the information provided is comprehensive and leads logically to the conclusion and resulting recommendation.

The Recommendation provided to the Council was the City's Administration's position after seeking, receiving and considering independent legal advice and the names and/or positions of senior staff are not relevant.

Question 2

Did any of the senior executives speak against the recommendation? If so who?

Response

The recommendation was based on the clear independent legal advice provided to the City.

6. *Question Time, Questions Received with Notice, Mr G Gear continued*

Question 3

Did any of these senior executives vote against the recommendation? If so who?

Response:

Senior executives do not undertake a voting process in the course of preparing reports to the Council.

6.2 Questions Received without Notice

6.2.1 Ms M Sandford, Applecross

Question 1:

At the OMC of 19.02.19 the City of Melville purported to answer my following question:

“Prior to the decision to grant the lease to Urbnsurf, did the City’s administration inform or advise the then-Councillors that they would be exposing both the City and themselves personally to the above financial risk by entering into a lease agreement with Urbnsurf (Perth) Pty Ltd, and if not, why not?”

by saying:

“The Elected Members have always known that terminating the lease agreement without cause would probably invoke the risk of damages, which is a usual consequence of any cancellation of any lease or agreement without cause.”

Question 1A

The first limb of my said question requires a yes or no answer. Please answer yes or no.

Response

This question will be taken on notice.

Question 1B

From what date have the elected members allegedly “always known” of the consequences of termination of the lease and what would be the source and manner of communication of such knowledge?

Response

This question will be taken on notice.

6. *Question Time, Questions Received without Notice, Ms M Sandford continued*

Question 1C

Does the City believe that it is common knowledge that councillors are personally exposed to risk of damages if they vote in a certain manner?

Response

This question will be taken on notice.

Question 2

At the OMC of 19.02.19 the City of Melville purported to answer my following question:

Why did the City, and those Councillors who voted in favour of the lease to Urbnsurf, fail to ensure that the lease excluded individual councillors from personal liability from claims by Urbnsurf, which was the reason put forward by Mayor Aubrey as to why the Council should extend the date to vacate the Melville Bowling Club from October 2018 to October 2019.

By saying:

“The potential for acting in “bad faith” when cancelling a lease agreement without cause is a potential trigger for attracting individual liability.”

Question 2A

Why were Councillors of the City of Melville not afforded an exclusion of personal liability in the lease to Urbnsurf (Perth) Pty Ltd to allow for them to vote to terminate the lease in good faith in the exercise of their overriding duty under section 2.10(a) of the Local Government Act to represents the interests of electors, ratepayers and residents of the district?

Response

This question will be taken on notice.

6.2.2 A Lohman, Perth

Re: P19/3806 Proposed Local Development Plan and Lot 4 (181-205) Davy Street, Booragoon

Question 1

We seek to confirm that Council understands that the Local Development Plan applies to part of Lot 11 Davy Street, not Lot 4 Davy Street as indicated on the Council Agenda, and that Lot 11 is subject to a subdivision approval that creates the lot to which the Local Development Plan applies?

Response

Noted. The report to Council has been amended accordingly.

6. *Question Time, Questions Received without Notice, A Lohman continued*

Question 2

Further to the first question, we seek to confirm that Council has received the revised Local Development Plan which modifies the lot number on the Local Development Plan to Lot 402, which reflects the new lot number for the site post subdivision of Lot 11.

Response

The plan in question has been received and is included as an updated attachment to the report.

6.2.3 City of Melville Residents and Ratepayers Association (Inc)

1. In relation to former CEO Shayne Silcox (Silcox);

Question 1

- 1.1. *What date did Silcox finish his contract of employment with the City?*

Response

This question will be taken on notice.

Question 2

- 1.2. *Did the City authorise and/or remunerate Silcox for presenting at the 10 August 2018 LG Professionals Australia WA Better Practice Program; what are the details of any approval and/or remuneration?*

Response

This question will be taken on notice.

Question 3

- 1.3. *How many formal events and/or meetings has Silcox attended with City employees or Elected Members since he finished employment with the City; what were the dates of the events and/or meetings and who was at the events and/or meetings?*

Response

This question will be taken on notice.

6. *Question Time, Questions Received without Notice, CoMRRA (Inc) continued*

Question 4

- 1.4. *How much in total has the City remunerated Silcox, in cash or kind, since he finished with the City?*

Response

This question will be taken on notice.

2. In relation to the vulgar comment Cr Patricia Phelan directed to Cr Steve Kepert at the 19 February OMC, and as reported in the Melville Times "City of Melville rejects majority of Annual General Meeting of Electors motions" article the next day:

Question 5

- 2.1. *Why has the City not complied with section 9.18 if it's local laws 2017 and recorded the vulgar comments in the minutes?*

Response

This question will be taken on notice.

Question 6

- 2.2. *Why has the City included the false statement that follows the record of Cr Kepert's request "however the Council did not vote on the matter as required by the relevant Local Law" as this is clearly not a requirement under section 9.18 of the City of Melville Meeting Procedures Local Law 2017?*

Response

This question will be taken on notice.

Question 7

- 2.3. *Were the words ***** (reference to explicit words removed) used by Cr Phelan towards Cr Kepert as reported by the Melville Times the same words Cr Kepert requested be recorded in minutes in accordance with section 9.18 of the local laws?*

Response

This question will be taken on notice.

6. *Question Time, Questions Received without Notice, CoMRRA (Inc) continued*

Question 8

- 2.4. *Why hasn't CEO Tieleman submitted a Standards Panel complaint in relation to Cr Phelan's misconduct at the OMC; given Cr Phelan's conduct was an unambiguous breach of her Code of Conduct and the LG Rules of Conduct regulations?*

Response

This question will be taken on notice.

Question 9

- 2.5. *At the same OMC Mayor Aubrey ejected one of our members who was participating in the deputation, before that member had even said a word; why did Mayor Aubrey eject our member for no good reason and despite our member having apologised for any unknown and unintentional offense caused.*

Response

This question will be taken on notice.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

Due to a number of amendments proposed to the minutes of the 19 February 2019 Ordinary Meeting of Council and the 6 March 2019 Special Meeting of Council, for the convenience of the public gallery the Mayor deferred these matters until later in the meeting.

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 MARCH 2019

COUNCIL RESOLUTION

At 6:49pm Cr Barling moved, seconded Cr Kepert –

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

At 6:49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

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

- Mayor R Aubrey – Late Item P18/3805 – Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Mayor R Aubrey – P19/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholder Engagement.
- Cr Mair – P19/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholder Engagement.
- Cr Barton – P19/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholder Engagement.
- Mayor R Aubrey – P19/3806 – Proposed Local Development Plan at Lot 4 (181-205) Davy Street, Booragoon.
- Cr Mair – T19/3804 – Demolition of Surplus City Buildings.
- Cr Mair – T19/3804 – Demolition of Surplus City Buildings.
- Cr Barton – T19/3804 – Demolition of Surplus City Buildings.

10. DEPUTATIONS**10.1 Ms K Youngs and Ms I Youngs**

Petition - Rezoning 2 Lawlor Road, Attadale from Residential to Public Open Space

10.2 Ms C Martella, Mr G Ware and Mr E Mendes

P19/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholder Engagement

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6:53pm Cr Barling moved, seconded Cr Wheatland–

That the application for new leaves of absence submitted by Cr K Mair and Cr D Macphail on 19 March 2019 be granted.

At 6:53pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- C19/5674 – Recruitment of the Director Corporate Services

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

At 6:54pm Ms K Youngs and Ms I Youngs entered the Chambers for the purpose of making a deputation in relation to Petition - Rezoning 2 Lawlor Road, Attadale from Residential to Public Open Space (**presentation**). The presentation concluded at 7:05pm.

At 7:08pm Ms K Youngs and Ms I Youngs departed the Council Chambers.

13. PETITIONS

Rezoning 2 Lawlor Road, Attadale from Residential to Public Open Space

A petition signed by 573 residents has been received by the City of Melville. The petition reads as follows:

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

That 2 Lawlor Road (2217.6m²; Lot 1, Diagram 43154) be re-zoned from Residential to Public Open Space and developed as parkland by Melville City Council.

Justification:

- The location of the site adjacent to the Moreing Road shops, allows the unique opportunity to create a community hub to encourage residents of all ages to come together.
- The Moreing Road shops are a recognised local centre in the Melville City Council Local Planning Strategy (2016), which notes the need to integrate open space with mixed use developments in these areas.
- The Melville City Council Local Planning Strategy (2016) has the site falling within an area of POS deficit area based on walkability catchment (2004)."

COUNCIL RESOLUTION

At 7:09pm Cr Wieland moved, seconded Cr Barton –

That the Council:

- 1. Directs the Chief Executive Officer to engage with the Lead Petitioner and other interested stakeholders in relation to the role that the City's owned land at 2 Lawlor Road Attadale could play in the attainment of the Communities aspirations and the City's Corporate Business Plan including incorporating "Place Making" principles that will help ensure activation of the Moreing, Lawlor and Davis Road's precinct and report back on the results of that engagement process to a future meeting of the Council; and**
- 2. Requests that the Petition be acknowledged in writing to the Lead Petitioner.**

At 7:09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

**14.1 ITEM FROM THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE
COMMITTEE MEETING 11 MARCH 2019**

M19/5666 - COMPLIANCE AUDIT RETURN 2018 (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Audits – Compliance
Customer Index	: Department of Local Government
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item M18/5603 - Compliance Audit Return 2017 - Ordinary Meeting of Council 20 March 2018
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

M19/5666 - COMPLIANCE AUDIT RETURN 2018 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- All Western Australian Local Authorities are required to undertake a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March each year.
- 100% of 95 questions received a positive response by Officers confirming the actions were completed and that 100% compliance was achieved.
- It is recommended that the Compliance Audit Return 2018 be adopted.

BACKGROUND

A Compliance Audit Return was conducted covering the period 1 January 2018 to 31 December 2018. The completed Compliance Audit Return forms part of the Attachments to the Agenda [5666 Compliance Audit Return 2018](#).

It is a requirement that the Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2019.

DETAIL

The City has achieved another impressive compliance outcome for 2018. The Compliance Audit Return only assesses compliance against the *Local Government Act 1995* and associated Regulations. The responses of Officers to the 95 audit questions have been audited by the Process Improvement Auditor who has included his comment in this report. This year's audit has in the opinion of Officers provided 100% compliance. The City has taken this additional audit examination approach for some years. During the audit examination some minor potential improvements in the City's current practices was identified and will be actioned in 2019.

The 2018 Compliance Audit Return continues in a reduced format with the Department only testing those areas considered to be high risk in this Return. The questions relate to:

The Local Government Act 1995;
The Local Government (Administration) Regulations 1996;
The Local Government (Function and General) Regulations 1996; and
The Local Government (Audit) Regulations 1996.

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

The *Local Government (Audit) Amendment Regulations 2013* extends the current role of local government Audit Committees to encompass a review of areas such as risk management, internal control and legislative compliance.

M19/5666 - COMPLIANCE AUDIT RETURN 2018 (REC) (ATTACHMENT)

The transfer of responsibilities to local government Audit Committees enables local governments to manage legislative compliance within their own timeframes, with increased transparency and involvement from Elected Members

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

It is pleasing to note that there is an ongoing increase in Officer knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

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

The City's Compliance Calendar was introduced in 2008 and this is a major improvement to assist management of all compliance matters and is considered to be best practice in the local government industry. The Calendar is updated monthly which enables a management response should a matter require attention.

The Process Improvement Auditor's comments

The Compliance Audit Return for 2018 has 95 questions, and answers to all questions were checked for correctness and were found to be accurate.

Legislative compliance has always been a commitment of the City and this commitment is reflected in the perfect result.

However, one area identified during the audit for improvement was the quality of record maintained for the exercise of delegation. The applicable legislation is Regulation 19 of the *Local Government (Administration) Regulations 1996* and it requires a written record to be maintained when a delegation is exercised with the following prescribed details:

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

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

M19/5666 - COMPLIANCE AUDIT RETURN 2018 (REC) (ATTACHMENT)

A Form entitled Exercise of Delegated Authority had been developed in line with the requirements in Regulation 19 but this Form was not used on some occasions. Whilst the prescribed information could be found in email or in other supporting documents hence the City is still in compliance with Regulation 19, it is recommended that this Exercise of Delegated Authority Form be used by employees exercising a delegation so all prescribed information is considered and recorded. It should be noted that Regulation 19 does not require the use of any prescribed form therefore different local governments will have different ways of complying with Regulation 19.

In response to the above improvement opportunity, the Governance Team has organized some refresher training sessions in April 2019 to ensure that requirements in Regulation 19 are fully understood and complied with.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external consultation has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

M19/5666 - COMPLIANCE AUDIT RETURN 2018 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

The City is compliant in 100% of the 95 questions that have been examined for their accurate statutory completion.

OFFICER RECOMMENDATION AND COMMITTEE RESOLUTION (5666) APPROVAL

At 6.41pm Mayor Aubrey moved, seconded Cr Wheatland –

That the Financial Management, Audit, Risk and Compliance Committee recommends to the Council that the Compliance Audit Return for the period 1 January 2018 to 31 December 2018 5666 Compliance Audit Return 2018 be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government, Sport and Cultural Industries.

At 6.43pm the Presiding Member submitted the motion, which was declared

CARRIED (6/0)

COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5666) APPROVAL

That the Council adopts the Compliance Audit Return for the period 1 January 2018 to 31 December 2018 5666 Compliance Audit Return 2018 and following certification by His Worship the Mayor and the Chief Executive Officer, the Return be forwarded to the Department of Local Government, Sport and Cultural Industries.

At 10:27pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:10pm Ms C Martella, Mr G Ware and Mr E Mendes entered the Chambers for the purpose of making a deputation in relation to Item P18/3796 - Review of H4 Areas of The Canning Bridge Activity Centre - Report on the results of Stakeholder Engagement **(presentation)**. The presentation concluded at 7:20pm.

At 7:30pm Ms Martella, Mr Ware and Mr Mendes departed the Council Chambers.

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Interest under the Code
Nature of Interest	Owns property in Applecross
Request	Stay and Discuss
Decision	Stay and Discuss
Member	Cr Barton
Type of Interest	Interest under the Code
Nature of Interest	Family member owns property in Applecross
Request	Stay and Discuss
Decision	Stay and Discuss
Member	Cr Mair
Type of Interest	Interest under the Code
Nature of Interest	Relative in Company Director of company that owns property in Canning Bridge Activity Centre
Request	Stay and Discuss
Decision	Stay and Discuss

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant
Category	:	Strategic
Application Number	:	Not Applicable
Property	:	Various
Proposal	:	Review of H4 areas of Kintail and Ogilvie quarters in the Canning Bridge Activity Centre - report on the results of stakeholder engagement
Applicant	:	City of Melville
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P18/3786 – Review of Canning Bridge Activity Centre Plan - Draft Amendment, Ordinary Council Meeting 17 July 2018; P18/3779 – Review of Canning Bridge Activity Centre Plan – Update, Ordinary Meeting of Council 17 April 2018. P17/3765 – Report on Canning Bridge Activity Centre Plan, Special Meeting of Council 22 August 2017.
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held on 17 July 2018 the Council resolved to approve the advertising of a series of proposed amendments to the Canning Bridge Activity Centre Plan (CBACP). The amendments related to Building Height; Mezzanine Levels; Single Dwellings; Privacy and Amenity; Overshadowing; and, Lot Size and Building Height.
- As per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City has undertaken formal public consultation for the proposed amendments.
- Consultation occurred via letters sent to all land owners and residents within the H4 zone of the CBACP plus those immediately adjacent the precinct boundary. Invitations to comment were also advertised on the City's website and within a local newspaper.
- This report provides a summary of the submissions received and in response provides a series of recommendations.

BACKGROUND

At the Ordinary Council meeting on 17 July 2018 (Item P18/3786) the Council considered a draft amendment to the CBACP. The amendment represented the results of the review of the H4 provisions of the CBACP and included proposals relating to building height, mezzanine levels, relaxation of controls for single dwellings, introducing privacy controls, building bulk and overshadowing and the relationship between lot sizes and building height.

At its meeting on the 17 July 2018 Council resolved to support the draft amendment and to initiate public advertising of the proposals.

[3796 Attachment 2 P18-3786 Council Report July 2018](#)

As per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City has proceeded to formal public consultation for the proposed amendments.

The above item was considered by the Council at the Ordinary Meeting of Council on 11 December 2018. The item was subsequently deferred to the March 2019 Ordinary Council Meeting.

That item P18/3796 be deferred for discussion at an Elected Member Information Session to be held in February 2019, for presentation at the March 2019 Ordinary Meeting Council, and an extension be sought from the Western Australian Planning Commission for the City to provide its response.

CARRIED (7/6)

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)**
(CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

Advertising Required: 30 Days

Invitations to comment on the proposed changes were sent to all owners and residents of the H4 zone as well as properties immediately adjacent to the H4 zone. Full details of the proposed amendments, including a background and an information report, were also advertised on the City's website. An advertisement inviting comment was also placed in a local newspaper. The comment period was open between 20 August 2018 and 19 September 2018.

87 submissions were received in total. Submissions largely represent individuals comments with one submission received on the behalf of the Swan Foreshore Protection Association.

Overall, the feedback was varied across the proposed amendments. The results of the consultation process for each item are detailed in the following section of this report.

A copy of all the submissions received is provided as a confidential attachment which was distributed to Elected Members on Friday 23 November 2018 under confidential cover.

DETAIL

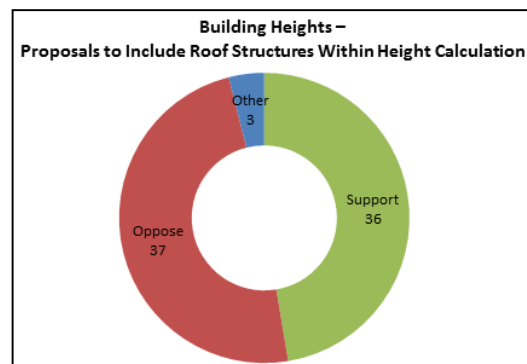
Below is a summary of the submissions that referenced each proposed amendment.

[3796 Attachment 3 CBACP Review of the H4 Areas \(July 2016\)](#)

Building Heights

The primary reason for the proposed modification is to clarify that roof structures are not included in calculation of a building's height. Setbacks to roof structures (from the edge of buildings) and height limits on roof structures are proposed to reduce potential impacts relating to building bulk, privacy and noise.

76 Submissions



**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

For this amendment an equal share of responses supported and opposed the recommended change. Common comments from respondents are as follows;

- Lift shafts and other utilities should be exempt from the greater setback;
- A reference should be made to natural ground level and finished floor level to ensure consistency with other provisions of the CBACP;
- A number of alternative setback options were suggested ranging from 1m-6m from the building edge to side and rear boundaries;
- Opposition to roof structures not being included within the 16m height limit;
- Concern that greater setback requirements undermine properties development potential.

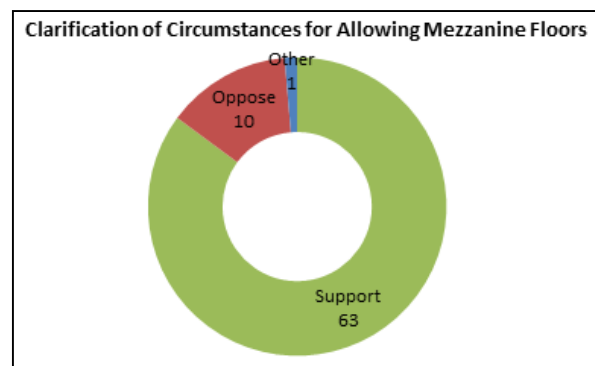
While some opposition is apparent for the proposed amendment the provisions are not considered to materially affect the design opportunities or development potential of properties.

The commentary suggesting reference to natural ground level and finished floor levels is noted and supported. It is recommended that such a modification be made to the amendment for greater clarity. Submissions also noted an omission in the amendment wording with respect to the calculation of the setback distance for roof structures as measured from the street. A modification to address this matter is also recommended.

Clarification of Circumstances for Allowing Mezzanine Floors

The intent of the proposed modification is to provide additional clarity that for the purposes of the CBACP mezzanine floors are permitted and do not constitute a storey. The design and extent of mezzanine levels is proposed to be managed in response to concerns that they may be used to create excessive floor space and appear as additional storeys.

74 Submissions



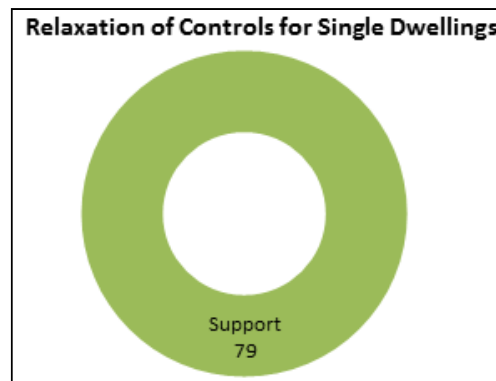
Substantial support is apparent for this modification. Common comments from respondents are as follows:

- Clarification is appreciated and provides greater certainty on the interpretation of mezzanine floors;
- Some discontent that mezzanine floors are permitted at all and believe mezzanines should be classified as storeys.

It is recommended that the amendment proceed as proposed.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)****Relaxation of Controls for Single Dwellings**

The proposed amendment is designed to clarify that while single dwellings are not a preferred land use they may be considered subject to achieving the desired outcomes of the CBACP, most specifically, by demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

79 Submissions

The submissions identified unanimous support for the relaxation of controls to allow for single dwellings in the H4 zone. However, most submissions oppose single dwellings being subject to other development provisions of the CBACP in particular; Element 5 - Side and rear setbacks; Element 11 – Sustainability; and, Element 13 - Adaptability. Several submissions suggest that single dwellings should be able to develop as per the R-Codes.

Discretion within the CBACP provides opportunity to examine the suitability of single dwellings and the nature of the proposed built form to be assessed on a case by case basis. In relation to the longer term objectives of the CBACP it is recommended that demonstrating achievement of the desired outcomes for each element remains integral to ensure the scale, intensity and quality of development is as envisaged by the plan.

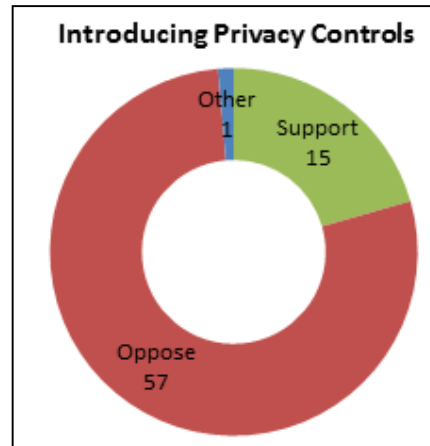
It is recommended that the amendment proceed as proposed.

Privacy and Amenity

The proposed introduction of privacy setback controls respond to concerns raised on this issue and are intended to align with industry standards including the imminent State Government apartment design policy Design WA.

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73 Submissions



The majority of submissions oppose the recommended amendment on the basis that the additional privacy controls constrain development. It should be noted that six (6) submissions which oppose the amendments are on the basis that they do not perceive the recommended privacy controls adequately address privacy concerns.

Key comments from respondents are as follows:

- Privacy provisions aligning with Design WA are sensible;
- Support for the introduction of privacy controls, however, suggest greater setbacks and other measures;
- Oppose greater setbacks. Believe current setback provisions adequately manage visual privacy;
- Concern that increased setbacks and privacy controls will compromise the development potential of properties and potentially undermine the design quality and liveability of dwellings.

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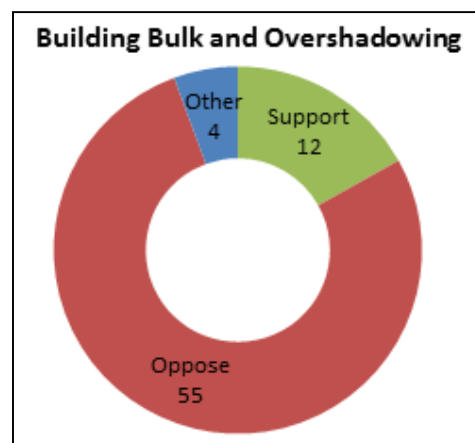
While there is noteworthy opposition to the proposed amendment the fact that a significant portion of the opposition is on the premise that privacy controls should go further confirms that privacy controls are a worthy introduction to the H4 area to manage amenity. The adoption of the Design WA privacy provisions are not considered to materially affect the design opportunities or development potential of properties.

It is recommended that the amendment proceed as proposed.

Building Bulk and Overshadowing

The suggested additional setback to third and fourth storeys for development around the edges of the CBACP to be setback further from properties outside of the plan recognise that such properties warrant additional protection from the proposed intensity of development by minimising impact of overshadowing and building bulk.

71 Submissions



The submissions revealed significant opposition to the introduction of greater setback requirements. Key comments from respondents are as follows:

- Support for proposed amendment. Suggestions that an overshadowing assessment as per the R-Codes should apply where development is adjacent to lots outside of the CBACP;
- Strong opposition to proposed amendment. Believes current setback provisions sufficiently address overshadowing issues.
- Reducing third and fourth floor areas severely undermines feasibility of development projects;
- Overshadowing and greater building setbacks should be applied on site orientation context not to all lots that abut property outside of the CBACP;
- Reducing overall permitted building heights suggested as a more effective measure to reduce overshadowing.

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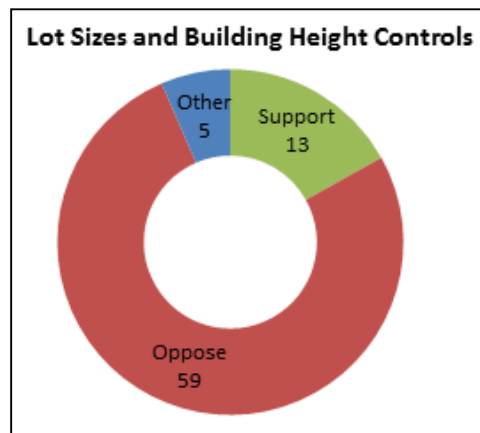
While there is considerable opposition to the proposed amendment it appears that the detail of the amendment may have been misinterpreted in some submissions, which is that it is thought to apply to all properties within the H4 zone and not just those which abut residential land outside of the CBACP. The suggested additional setbacks only impact a small number of properties around the perimeter of the precinct and will assist in reducing the impact of bulk and overshadowing to properties outside the CBACP.

It is recommended that the amendment proceed as proposed.

Lot Sizes and Building Height Controls

The relationship between lot characteristics and the capacity to develop to a certain height is recognised and therefore the amendment recommends minimum lot frontages, and as a result of the resolution of Council, a minimum lot size. The proposed amendments would effectively limit development potential of a typical single lot in the H4 area to three storeys. More intensive development would generally require amalgamation of lots to achieve the required frontage and land area.

77 Submissions



Heavy opposition is seen from the submissions relating to the proposed amendments. It is notable that opposition to the amendments appear to mostly stem from property owners within the H4 zone. Key comments are listed below:

- Minimum lot size provisions present as a significant restriction due to the large number of existing smaller lots and strata developments. Introducing such a requirement will disable development within the H4 zone;
- Provisions present as a significant challenge to existing landowners and family investors to develop and will undermine property values for current owners;
- Support increased heights on Forbes Road to H8 where adjacent to M10. Concerned there is no transition on Forbes Road via H8 zone as per other areas of the Structure Plan.
- Support for the amendment to create a diversity of building typology. A range of alternative lots sizes and frontage requirements also suggested.

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- Support for the amendment, however, suggest introducing a density provision the equivalent of R60 regardless of lot size.
- Suggest further clarification for how corner and irregular shaped lots will be assessed.

The proposal to restrict four storey developments to larger/wider lots was intended to manage the number of four storey developments, and to limit four storey developments to larger lots which may offer more design flexibility to offset the impacts of the additional height on adjoining sites. The considerable opposition to the introduction of minimum lot sizes and frontages in relation to building height is noted. As a result, further investigation into which properties within the H4 zone will no longer be capable of four storey development was undertaken. Additional analysis of the site characteristics of approved development within the H4 zone was also completed.

The analysis found that of the 118 lots within the H4 zone a total of six (5%) meet both the proposed site area and minimum frontage development criteria (See Figure 1 and Table 1). This ratifies that the proposed changes will have a widespread impact on the development of the H4 zone effectively limiting the area to a three storey height limit without amalgamation.

Table 1 also provides an overview of the land area and lot frontage of the properties in the H4 zone. The table provides an understanding of the impact of a restriction on four storey development based on minimum frontages and/or lot size. A restriction on lot frontage (minimum 25m) alone for example would enable four storey developments on 28% of sites. Relaxing the restriction to 20m, for example, would allow for four storey development on 45% of sites. In relation to lot sizes, 31% of lots would achieve a minimum site area of 1,000m² compared to 6% at 1,199 square metres or larger. A lesser requirement for lot size or minimum frontage would allow more properties to develop as is currently permitted while enforcing smaller lots to amalgamate to achieve lots of a feasible development size.

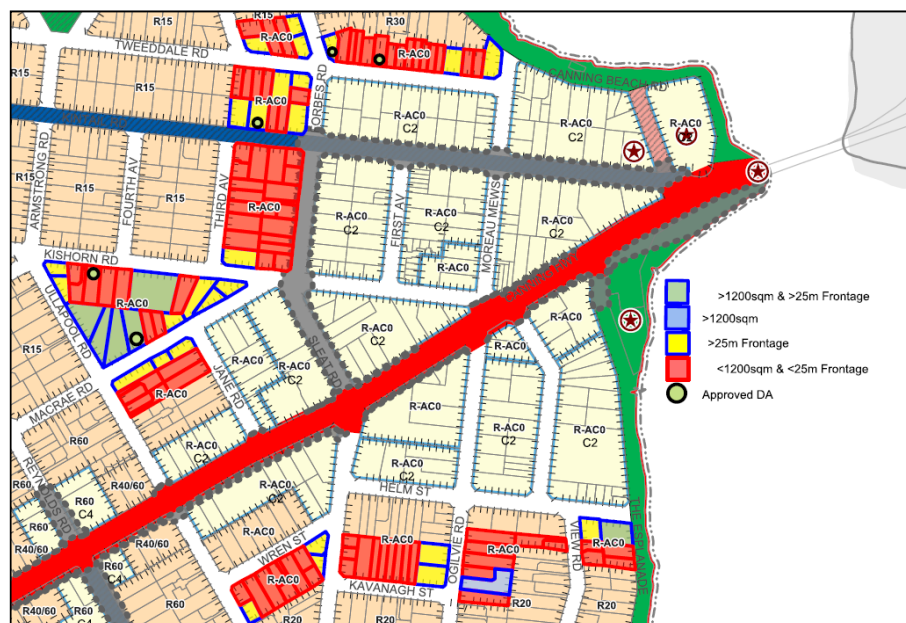


Figure 1. Further Analysis of Property Eligibility against proposed amendment

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	KINTAIL QUARTER	OGILVIE QUARTER	H4 TOTAL
	82 Lots*	36 Lots*	118 Lots*
Lot Size	No. Lots / (%)	No. Lots / (%)	No. Lots / (%)
>1200m ²	5 (6%)	2 (6%)	7 (6%)
1100m ² - 1200m ²	- (0%)	3 (8%)	3 (2%)
1000m ² - 1099m ²	20 (24%)	7 (19%)	27 (23%)
900m ² -1099m ²	- (0%)	- (0%)	- (0%)
800m ² -999m ²	2 (2%)	- (0%)	2 (2%)
700m ² -899m ²	3 (4%)	3 (8%)	6 (5%)
600m ² -799m ²	9 (11%)	2 (6%)	11 (9%)
<600m ²	43 (52%)	19 (53%)	62 (53%)
Lot Frontage	No. Lots / (%)	No. Lots / (%)	No. Lots / (%)

**Note - Figures relate to parent lots only and do not take into account strata properties (more than one dwelling existing on the lot) which account for 22 (19%) of lots*

>25m	26 (32%)	7 (19%)	33 (28%)
20m-25m	18 (22%)	2 (6%)	20 (17%)
15m-19m	9 (11%)	15 (42%)	24 (20%)
<15m	29 (35%)	12 (33%)	41 (35%)

Table 1. Further Analysis of Property Eligibility against proposed amendment

Another point to consider is that the proposed changes will result in buildings outside of the structure plan area having greater building heights permitted than those within the H4 zone. The City's LPP1.9 Height of Buildings policy permits properties zoned R60+ within the Canning Highway Public Transport Corridor to have a building height of up to 17.5m regardless of lot size. This discrepancy could be seen to contradict the strategic objective which intends on encouraging a greater intensification of development within structure plan areas.

It is noteworthy that since the gazettal of the CBACP only five development approvals have been granted within the H4 zone, none of which have progressed to a building permit being issued. Analysis of the site characteristics for these sites found that only one of the five sites met the proposed site area criteria.

Development	Lot Size	Frontage
36 Kintail Road	1,026m ²	25m
8 Macrae Road	1,353m ²	26m
21 Kishorn Road	1,012m ²	20m
18 Tweeddale Road	1,157m ²	28m
12 Tweeddale Road	672m ²	17m

Table 2. H4 zone approved development application site characteristics

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While it is a small sample size, the limited number of development approvals and the characteristics of the approved sites suggest that developments are unlikely to be feasible on lots less than 1,000m² and with frontages less than 20m (12 Tweeddale Road being the outlying development approval).

The submissions received have indicated strong opposition to the proposal to limit four storey developments to sites with a frontage of at least 25 metres and a land area of 1,200 square metres. Analysis of lot characteristics confirms that this proposal would restrict four storey developments to just six existing sites. In relation to this aspect of the amendment options include:

- proceed with proposed amendment unchanged
- delete the proposed restrictions on four storey development based on lot size and frontage.
- consider adjustment to the lot size and lot frontage criteria for restricting four storey developments.

Various alternative combinations of controls to restrict four storey developments have been examined. The outcome of different options is summarised below:

Option – Minimum Requirement to Develop 4 Storey	Lots*	%
25m frontage only	33	28%
Minimum 1,200sqm only	7	6%
20m frontage only	53	45%
Minimum 1,000sqm only	37	31%
20m frontage and 1,000sqm	22	19%
25m frontage and 1,200sqm (current proposal)	6	5%

**Note - Figures relate to parent lots only and do not take into account strata properties (more than one dwelling existing on the lot) which account for 22 (19%) of lots*

It is concluded that the introduction of minimum lot sizes will limit the development potential of individual properties and undermine the realisation of the intended vision of intensification of the CBACP area. A less restrictive pre-requisite for four storey development could be pursued (lesser lot size and/or frontage requirements) and may still achieve a mix of three and four storey development which may in turn reduce potential impacts on some neighbouring properties. The benefits of any reduced impacts would need to be weighed up against the lost opportunities for development in the H4 zone and considered in light of the objections received during the advertising period. In these circumstances, it is noted that impacts on adjoining properties will be significantly reduced through the package of initiatives included in the H4 amendment. In particular, the proposed introduction of privacy provisions will require additional building setbacks and encourage more innovated design for developments including three and four storey buildings. In this situation the need to further control the distribution of four storey development is reduced. Accordingly it is recommended that the elements of the proposed amendment relating to minimum frontage and minimum lot size requirements for four storey development not be pursued.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)***Additional Information:*

This item was originally considered by Council at the Ordinary Meeting of Council on 11 December 2018. At that meeting Council resolved to defer the item to the March 2019 Council Meeting.

In accordance with the deferral resolution, the matter was presented to an Elected Member Information Session (EMIS) on 12 February 2019. The EMIS focused on the aspect of the proposed amendment dealing with the identification of pre-requisites for four storey development in the H4 zone of the Canning Bridge Activity Centre Plan (CBACP). In particular the EMIS examined the potential outcomes associated with using different combinations of minimum lot frontage and lot area requirements as pre-requisites to being able to build to four storeys. A copy of the EMIS presentation was included in the Elected Members Bulletin for the week ending 15 February 2019.

There are no changes proposed with regard to the original Officer recommendation as presented to Council on 11 December 2018. It remains the Officers recommendation to not proceed with elements of the amendment relating to minimum land area and frontage requirements for four storey developments.

The deferral resolution, from 11 December 2018 also noted the need for an extension to be sought from the Western Australian Planning Commission (WAPC) with regard to the deadline in which the City is to provide its response to the proposed amendment. The extension was sought and the WAPC have granted an extension for the City to lodge its report on the proposed amendment no later than 31 March 2019.

It is not known whether the WAPC would be prepared to grant a further extension in relation to this matter. If a response to the proposed amendment is not received by the deadline it is likely that the amendment would need to be re-advertised. In these circumstances, in the event that the Council is not able to reach a decision on all aspects of the proposed amendment, then the Council may wish to consider progressing elements of the amendment where there is agreement.

I. COMMUNITY

The level of communication for the H4 review process in relation to Stakeholder Engagement Policy CP-002 is to consult with the community. This is consistent with the significant engagement process during the development of the CBACP. The consultation process was an opportunity to gauge the community level of support for the proposed changes.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of any formal amendment to the CBACP.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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(CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

This report updates the findings and previous recommendations made in April 2018 following stakeholder engagement. If the report findings are supported a formal amendment to the CBACP would be prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2005*

FINANCIAL IMPLICATIONS

There are no financial implications for the Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The review of the CBACP aligns with the City's strategic goals and in particular responds to Priority 3 of the Corporate Plan, "Urban development creates changes in amenity (positive and negative) which are not well understood". The review of the CBACP focuses on responding to identified amenity concerns, whilst maintaining overall strategic objectives of the plan.

POLICY IMPLICATIONS

There is no Council Policy that relates to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The H4 area review has recommended a number of amendments to the CBACP in response to items raised in earlier Council resolutions. The current report provides detail on the results of stakeholder feedback to the proposed amendments. As stakeholder feedback has not garnered common support for several of the recommended changes the Council may choose not to proceed with some or all of the recommended changes or consider modifications to the recommended changes. In particular, in relation to the proposed amendment relating to minimum lot sizes and frontages to achieve four storey developments, a number of alternative approaches have been discussed.

The recommendations of this report are considered to suitably respond to the issues raised in the stakeholder feedback and remain aligned with the proposed State Planning Policy Design WA, whilst maintaining the objectives and strategic intentions of the CBACP. Alternative options may detract from achievement of these strategic objectives and may not be supported by the WAPC.

Alternatively, the Council may not wish to proceed with the proposed amendments at all. In such a situation the CBACP will continue to operate as current.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(ATTACHMENT)****CONCLUSION**

The stakeholder engagement to the proposed amendments produced mixed responses. 57 submissions (65%) indicated support for the CBACP as it currently stands and only support clarification on interpretation of terms and minor amendments to improve the operation of the Plan. Importantly this sentiment identifies that largely the requirements of CBACP are performing as expected and reinforce that there is support for the vision and intent of the approved structure plan. This position is reflected by general support for the clarification regarding mezzanine floors and the development provisions relating to roof top structures.

Strong support is also evident for allowing single dwellings; however the support is undercut with some discontent that single dwellings are subject to satisfying other desired outcomes of the CBACP.

Strong opposition is obvious for the proposed amendments which are seen to undermine the development potential of individual properties. This is observable in the responses to the introduction of privacy and overshadowing controls, however, is most vehement in opposition to introducing minimum lot sizes to control building height.

Identifying the locational source of individual submission has not been possible due to the nature in which responses have been received. Nonetheless, there is indication of a consistent theme with the findings of the 'Review of the H4 Area' report completed in 2016 that found:

"Those whose property falls outside of the CBACP area would prefer to reduce the allowable development, and those inside the area would like to keep or increase the allowable development in the area."

It is expected that the proposed amendments, with the exception of lot size related building height controls, would assist the interpretation and application of standards to make for a smoother transition from the current low density environment to the planned higher density neighbourhoods and lessen amenity concerns. The proposed modified amendments enhance the alignment with the content of Design WA and maintain the objectives of the CBACP.

Recommended responses to the various elements of the proposed amendment are provided throughout the report. In summary it is recommended that having regard to the results of the advertising period that the H4 amendment be supported and forwarded to the WAPC for approval with the following modifications:

- a) include reference to natural ground level and finished floor levels in relation to building height;
- b) clarify the calculation of setback distance to roof structures from the street boundary and
- c) to not proceed with the elements of the amendment relating to minimum land area and frontage requirements for four storey development.

The proposed modified wording is outlined below. Actual proposed new or modified text is shown highlighted.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(ATTACHMENT)****Building Height:**

Amend definition of Height

Having regard to 1 and 2 above, that the Council requests the Western Australian Planning Commission amend the Canning Bridge Activity Centre Plan as follows:

a) Amend definition of Height

1) In metres:

In relation to a building, means the distance measured from the mean natural ground level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:

- (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height measured from the finished floor level of the roof deck; or
- (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height measured from the finished floor level of the roof deck, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.

2) In storeys:

Does not include a basement

Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge.

OFFICER RECOMMENDATION (3796)**APPROVAL**

At 8:58pm (on 11/12/2018) Cr Wieland moved, seconded Cr Robartson –

That the Council;

1. a) Notes the submissions received during the public advertising period for the proposed amendments to the provisions relating to the H4 zone of the Canning Bridge Activity centre Plan.
b) Forwards the amendment to the Canning Bridge Activity Centre Plan, inclusive of the modifications outlined below, to the Western Australian Planning Commission for approval and requests that the West Australian Planning Commission considers the amendment, as modified, according to Clause 45 (1) and (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the City of Melville considers the modifications to the amendment to be of a minor nature.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE
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2. Having regard to the results of the public advertising period resolves to modify the amendments to;
 - a) include reference to natural ground level and finished floor levels in relation to building height;
 - b) clarify the calculation of setback distance to roof structures from the street boundary
 - c) Delete reference to minimum land area and frontage requirements in relation to building height.
3. Having regard to 1 and 2 above, requests that the Western Australian Planning Commission amends the Canning Bridge Activity Centre Plan as follows:
 - a) Amend definition of Height
 - 1) In metres:
In relation to a building, means the distance measured from the mean natural ground level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:
 - (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height measured from the finished floor level of the roof deck.;
or
 - (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height measured from the finished floor level of the roof deck, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.
 - 2) In storeys:
Does not include a basement
 - b) Add a new clause 4.9 on page 29
Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge.
 - c) Add a new clause 5.8 to page 30
Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from side and rear boundaries an additional setback distance of 2.5 metres from the building edge.
 - d) Modify clause 5.7 to read:
Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:
Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to provide with separation distance to the side and rear boundaries for visual privacy as follows:

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

View from	Separation Distance
Bedroom, study, living area or open space walkway	4.5m
Balcony or accessible roof area	6m

e) Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- a. accessible only from the apartment space or storey area immediately below;
- b. limited in area to no more than one third of the floor space area it is located within;
- c. designed in a manner which ensures the mezzanine space is open to the floor area below and
- d. of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.

f) Add new clause 1.3 and 1.5

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

g) Add new clause 5.8

5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

At the Ordinary Meeting of Council held 11 December 2018 Item P18/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholder Engagement was deferred for discussion at and Elected Member Information Session to be held in February 2019 and consideration and consideration at the March 2019 Ordinary Meeting of Council. At the time of deferral and pursuant to Clause 13.5 of the *City of Melville Meeting Procedures Local Law 2017* it is noted that:

- Cr Wieland moved the Officer Recommendation
- Cr Robartson seconded the Officer Recommendation

- Cr Pazolli moved and spoke for the Amendment
- Cr Kepert seconded the Amendment
- Questions were posed by Cr Phelan, Cr Pazolli, Cr Barling, Cr Wieland

At 7:31pm debate on this matter was resumed in accordance with Clause 9.12 of the City of Melville Meeting Procedures Local Law 2017.

At 7:41pm with the consent of the mover and seconder, the Mayor agreed to accept voting on points 1 and 2 together as Part 1 and point 3 separately as Part 2.

Amendment Part 1

At 8:58pm (on 11/12/2018) Cr Pazolli moved, seconded Cr Kepert –

That the Council amend Officer Recommendation 3796 by:

1. In clause 2c) replace the word “Delete” with the word “include”.

**2. Inserting a new clause 3(h):
“Add new clause 2.6:**

2.6 Development of 4 storey and 16m high buildings within Q1 and Q2 of the H4 Zone shall be restricted to sites that achieve a minimum 25 metres continuous street frontage (including street corners) and a minimum lot size of 1200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.

Addition of note to H4 reference on Heights Table on page 19:

***Refer also to requirements of Clause 2.6**

Adjustment to Clause 3.1 to read:

Maximum building heights shall be in accordance with Figure 2 Land Use, Built Form and Zones Plan, noting the minimum site area and frontage requirements of Clauses 2.2, 2.3 and 2.6.”

At 7:46pm the Mayor submitted the motion, which was declared

LOST UNANIMOUSLY (0/13)

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

Amendment Part 2

At 8:58pm (on 11/12/2018) Cr Pazolli moved, seconded Cr Kepert –

3. Inserting a new clause 4:

“4. Requests the Chief Executive Officer arrange for planning officers to include in the upcoming Canning Bridge Activity Centre Plan scheme amendment review consideration of applying plot ratio, open space and other applicable Multi-Unit Housing Code controls to ensure dwelling density and development bulk expectations of the community and Council are achieved in the revised Canning Bridge Activity Centre Plan.”

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

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Macphail	No
Cr Robartson	No

Reasons

1. It is clear that the Council and a significant number of residents in the Canning Bridge H4 area are concerned with the excessive dwelling density and building heights that are evident in the five H4 development approvals since the gazettal of the CBACP. The dwelling densities achieved in these DA applications in some cases exceeded over 200 dwellings per hectare (ie greater than R200). This is far in excess of the R50 to R75 dwelling density envisaged in the State Planning Policy 4.2 Activity Centres for Perth and Peel (Aug 2010) for transition zone areas like the H4 transition zones of the CBACP.
2. Ideally the dwelling density should be controlled by the application of plot ratio maximums and site open space minimums as is specified in Table 4 of the Residential Design Codes (SPP 3.1), referenced as the Multi-Unit Housing Codes (MUHC). However, implementing these changes would represent a significant change to the CBACP and would require a scheme amendment and the attendant period of community consultation etc. that would take 12 to 18 months to complete. This is something that the City Planning Officers should undertake as part of the CBACP scheme amendment review currently underway and thus the addition of Clause 4 in this amendment.
3. In the interim the proposed changes advertised for feedback at the level of 25 metres frontage and minimum 1200 square metres land area should serve to ensure that the level of density realized in the H4 area is maintained at realistic levels until the scheme amendment is completed. Given that the officers assess that only six properties meet the 25m/1200sqm criteria, this amendment reduces the requirement to 20m and 1100sqm that should allow access to the higher building heights for more properties than the 6 identified in the officers' report.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)****Substantive Motion as Amended**

At 8:58pm (on 11/12/2018) Cr Wieland moved, seconded Cr Robartson –

That the Council;

1. a) Notes the submissions received during the public advertising period for the proposed amendments to the provisions relating to the H4 zone of the Canning Bridge Activity centre Plan.
b) Forwards the amendment to the Canning Bridge Activity Centre Plan, inclusive of the modifications outlined below, to the Western Australian Planning Commission for approval and requests that the West Australian Planning Commission considers the amendment, as modified, according to Clause 45 (1) and (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the City of Melville considers the modifications to the amendment to be of a minor nature.
2. Having regard to the results of the public advertising period resolves to modify the amendments to;
 - a) include reference to natural ground level and finished floor levels in relation to building height;
 - b) clarify the calculation of setback distance to roof structures from the street boundary
 - c) delete reference to minimum land area and frontage requirements in relation to building height.
3. Having regard to 1 and 2 above, requests that the Western Australian Planning Commission amends the Canning Bridge Activity Centre Plan as follows:
 - a) Amend definition of Height
 - 1) In metres:
In relation to a building, means the distance measured from the mean natural ground level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:
 - (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height measured from the finished floor level of the roof deck.;
or
 - (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height measured from the finished floor level of the roof deck, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.
 - 2) In storeys:
Does not include a basement

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

b) Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge.

c) Add a new clause 5.8 to page 30

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from side and rear boundaries an additional setback distance of 2.5 metres from the building edge.

d) Modify clause 5.7 to read:

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to provide with separation distance to the side and rear boundaries for visual privacy as follows:

View from	Separation Distance
Bedroom, study, living area or open space walkway	4.5m
Balcony or accessible roof area	6m

e) Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- accessible only from the apartment space or storey area immediately below;
- limited in area to no more than one third of the floor space area it is located within;
- designed in a manner which ensures the mezzanine space is open to the floor area below and
- of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

f) Add new clause 1.3 and 1.5

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

g) Add new clause 5.8

5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

- 4. Requests the Chief Executive Officer arrange for planning officers to include in the upcoming Canning Bridge Activity Centre Plan scheme amendment review consideration of applying plot ratio, open space and other applicable Multi-Unit Housing Code controls to ensure dwelling density and development bulk expectations of the community and Council are achieved in the revised Canning Bridge Activity Centre Plan.**

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

CARRIED UNANIMOUSLY (13/0)

At 7:48pm the Mayor adjourned the meeting.

At 7:55pm the Mayor resumed the meeting.

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Interest under the Code
Nature of Interest	Owns property in vicinity of subject side
Request	Stay and discuss
Decision	Stay and discuss

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)

Ward	: Central
Category	: Operational
Application Number	: DA-2018-1426
Property	: Lot 402 (181-205) Davy Street, Booragoon
Proposal	: Local Development Plan
Applicant	: Element
Owner	: TRPG No. 1 2012 Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Peter Prendergast Manager Statutory Planning
Previous Items	: Not Applicable

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When Council review 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council to note.</i>

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City has received a proposed Local Development Plan (LDP) for a portion of current Lot 402 (181-205) Davy Street, Booragoon for its determination.
- The subject LDP relates to the future development of Lot 404 which was recently approved by the Western Australian Planning Commission (WAPC) on 8 January 2019 as part of subdivision application DA-2018-1196 (WAPC Ref. 157282) in the eastern corner of the subject site as marked in black in Figure 1 below.
- The LDP seeks to vary the existing development provisions that are applicable to the site under the Melville City Centre Structure Plan (MCCSP) as well as providing more detailed planning provisions to ensure high-quality outcomes for the future development of the lot.
- The LDP has been assessed in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). As per Cl. 50 (3) of *Regulations 2015*, the proposed LDP has not been advertised as the provisions proposed are not considered to adversely affect any adjoining owners or occupiers.
- In accordance with Council Delegation *DA-020: Planning and Related Matters*, the application has been referred to Council for consideration as there is no delegation to adopt an LDP.
- It is recommended that the proposed LDP be approved.



Figure 1: Aerial image of the site with the portion in the black boxed area subject of this LDP.

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)

BACKGROUND

The proposed LDP is located within the MCCSP in the south-west corner of the precinct at the junction of Marmion Street with Andrea Lane. The subject lot (Lot 402) is in the process of being subdivided to form three freehold lots, one of which is the subject site of the LDP (Proposed Lot 2). The subdivision to create the lot subject of this LDP was recently approved by the WAPC on 8 January 2019, as shown in Figure 2 below. The LDP will form the statutory development provisions for that site.

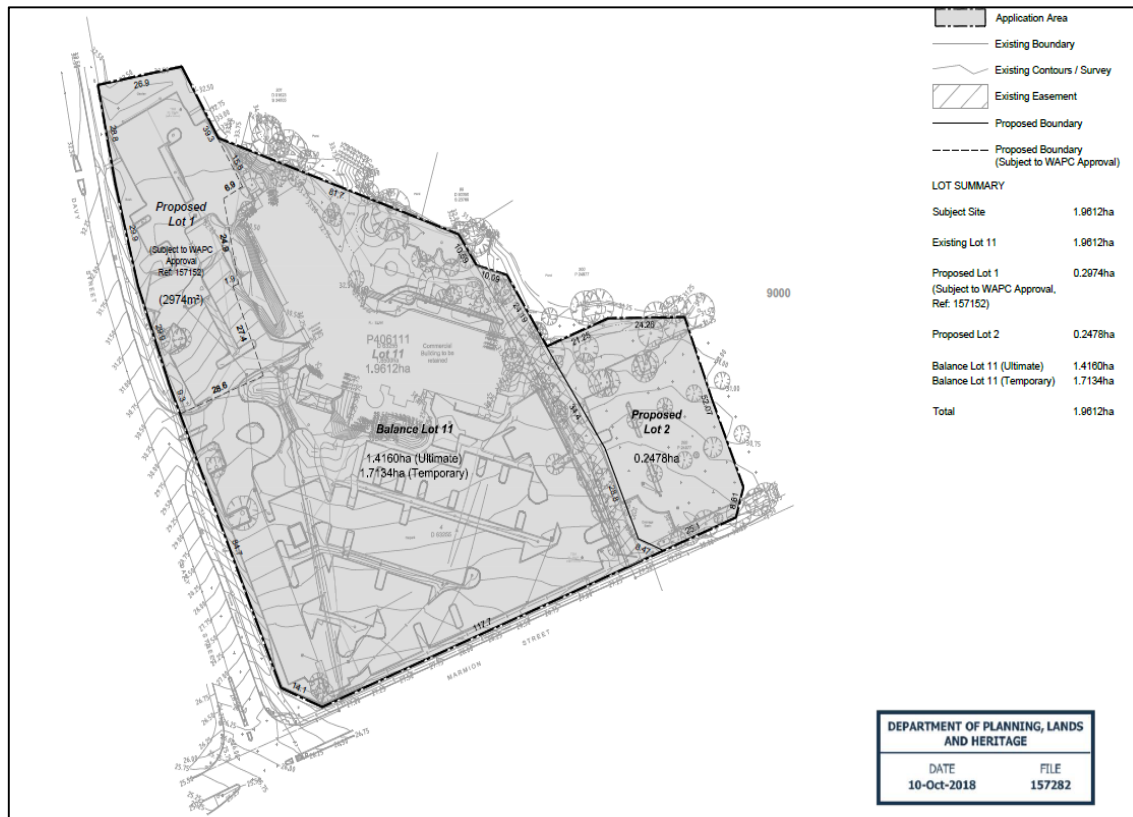


Figure 2: WAPC subdivision approval plan issued on 8 January 2019 with proposed Lot 2 being the lot subject of this LDP.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Centre C1
R-Code	: Not Applicable (as per Cl. 3.5 of the MCCSP)
Use Type	: Not Applicable
Use Class	: Not Applicable

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)**Site Details**

Lot Area	: 19,612sqm, proposed LDP lot (2,478sqm)
Street Tree(s)	: None
Street Furniture (drainage pits etc)	: None

DETAIL

An LDP is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development. In accordance with Schedule 2 Cl. 47 of the *Regulations 2015*, the Western Australian Planning Commission (WAPC) considered whether an LDP would be suitable for the site for the purposes of orderly and proper planning. Prior to the formal lodgement of the LDP to the City, the WAPC resolved to support the preparation of the LDP in accordance with the *Regulations 2015*.

The subdivision of the site into three lots results in the creation of a new laneway, which will in turn inform the relationships between new buildings as and when they are developed. The proposed LDP will assist in ensuring that the development of the site responds well to its context, including these changes to the context brought about by the subdivision.

Site Context

The subject site is positioned in the Lakeside precinct of the MCCSP, at the corner of Marmion Street and Andrea Lane. Marmion Street is a busy road with high-frequency public transport routes running along it and serving the wider area. Marmion Street is the key street which frames Melville City Centre along its southern boundary. The manner in which development within the Structure Plan area takes place and interacts with Marmion Street is crucial, particularly at this important junction of Marmion Street and Andrea Lane where a high proportion of the traffic to the Garden City Centre from the southern side passes through. An LDP with additional development controls included will assist in ensuring that development on the lot is as good as it can be along this very important southern boundary to the Melville City Centre.

Proposal

The proposed LDP has due regard for the form and intent of the existing MCCSP provisions, whilst introducing additional development provisions which are designed to provide enhanced clarity and certainty regarding how the site will develop. Detailed commentary in respect of the key LDP features are provided in the comment section of this report.

[3806_LDP01A_Booragoon_2019_02_18_Local_Development_Plan\[3\]](#)

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Advertising Required: No
Reason: In accordance with Schedule 2 Cl. 50 (3) of the Regulations

The proposed LDP is within the MCCSP and the variations to the MCCSP principles, along with the additional development provisions proposed are not considered to adversely affect any relevant owners or occupiers within the area. The future development of the site may be advertised for public comment if deemed necessary at the time of any such development application.

II. OTHER AGENCIES / CONSULTANTS

Required: No
Reason: In accordance with Schedule 2 Cl. 50 (1) (b) of the Regulations

No comments from any public authority or utility service were sought in respect of this proposed LDP.

STATUTORY AND LEGAL IMPLICATIONS

The City will follow the requirements of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should the City of Melville determine not to approve the LDP, the applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this LDP.

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)

COMMENT

The proposed LDP modifies existing, and provides additional development provisions. Together, these will ensure that the development of the site takes place in accordance with the city's objectives for the area as established by the MCCSP.

The key features of the LDP are outlined as follows:

Building Height

A maximum building height of 10 storeys is proposed whereas the MCCSP indicates a maximum building height of 14 storeys for the other lots located within the south-west corner of the Structure Plan area.

The introduction of a maximum building height of 10 storeys is supported on the basis that a building of that height will not compromise the integrity of the centre in this location, there being an area to the immediate north with a maximum 10 storey height limit under the Structure Plan provisions. In addition it is noted that the height limits in the MCCSP area are maximum building heights, not mandated minimum heights. This means that there are no guarantees regarding the built height outcomes across the Structure Plan areas.



Figure 3: Plan 3 – Building Heights from MCCSP.

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)*Setbacks*

Where any building within the centre core area of the MCCSP interfaces with a gazetted street, any part of that building above the 3rd storey must be setback 5m. For the ground to 3rd levels, there is no setback requirement and the lower floors of such buildings are expected to interface with the street.

The proposed LDP includes additional setback requirements that will apply to any building constructed on this site. These will provide for the following in addition to the established setback requirements of the MCCSP:

- An upper floor setback requirement of 3m along the three sides of the lot to the north, west and east. This treatment will ensure that any building has a good interface with Andrea Lane, which although not a gazetted road, does provide the main pedestrian and vehicle entrance to the central core area of the Structure Plan precinct from the south. In addition, the upper floor setback of 3m to the west adjacent to what will become a new laneway, will ensure a more human scale of development as it interfaces with this laneway.
- To the north the site abuts the Lakeside Precinct. Any building constructed with an interface to the northern lakeside boundary will also be setback above the 3rd floor by 3m. In addition to this however, any building will be setback between 3.5 and 4.5m at the ground floor level ensuring that there is no impact on the retention of a lakeside pedestrian path that exists in that location overlooking the lake.
- At the south west corner of the lot a ground floor only setback has also been proposed at the corner of Marmion Street and Andrea Lane. This will create a truncation on the corner which will be subject of an access easement to complement the adjoining dual use pedestrian/cyclist path. This will improve the space available to provide an effective dual use footpath; particularly given the existing path is compromised by the location of the existing traffic lights at the junction of Marmion Street and Andrea Lane.

*Ground Floor Treatments and Activation*Marmion Street/Andrea Lane

The MCCSP does not set any expectation in terms of the activation onto Andrea Lane, and refers to the semi-active activation of Marmion Street. The LDP proposes to introduce an active edge to Marmion Street and along the full length of the lot boundary to Andrea Lane. This area is envisaged to incorporate a mix of retail and commercial tenancies, providing pedestrian activation and an inviting pedestrian realm. The ground level building height (floor to ceiling) is proposed to be a maximum of 4.5m to accommodate commercial tenancies. Facades on this edge as part of the LDP provisions are predominately glazed to include shop fronts and multiple building entrances. These provisions will ensure improved interaction between the building and the streets that abut it, including an improvement to the pedestrian experience.

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)

Northern Boundary – Lakeside Active Edge

As stated, the building setbacks to the northern boundary depicted in the LDP will accommodate the retention of the Lakeside pedestrian path. The treatments proposed in terms of glazing and minimal solid structures on this elevation, will provide the necessary passive surveillance over the pedestrian environment surrounding the lakes and retain the existing pedestrian access routes within the Lakeside Precinct.

Western Boundary – Semi Active Edge

On the adjoining western lot, a laneway will be located on the balance lot (Proposed Balance Lot 11) and provide access to the site on the southern (Marmion Street) boundary as identified in the MCCSP. The laneway will provide one-way through access to the existing commercial development and previously approved developments on Balance Lot 11. This crossover and laneway was approved in the most recent commercial development on the adjoining western lot, as shown in Figure 4 below.

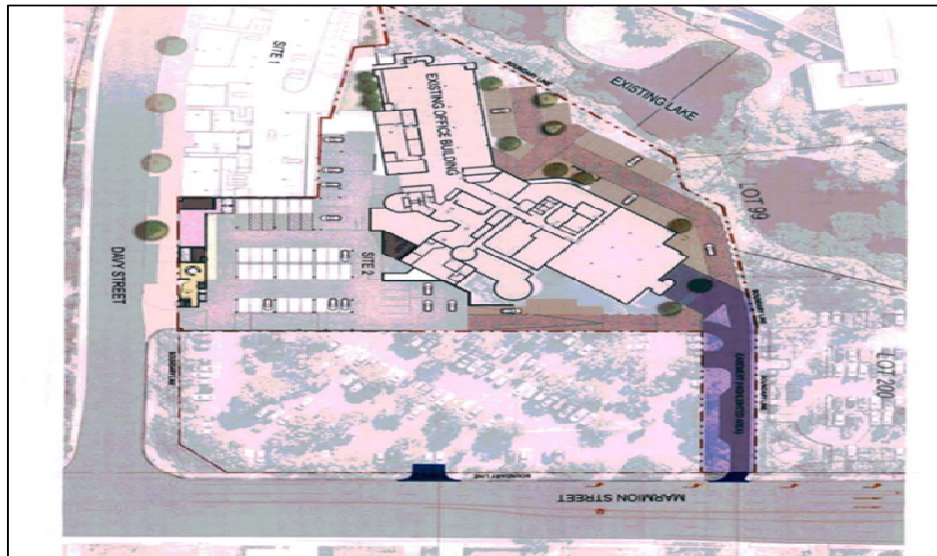


Figure 4: Laneway approved as part of DA-2015-971 (marked in purple) abutting the site the subject of this LDP to the east.

The provisions addressing the laneway and the associated built form activation are therefore necessary to ensure this façade does not become undesirable and a blank wall dominated space. The provisions of the LDP to the western boundary, such as permeable openings, will ensure the access point and laneway have appropriate levels of passive surveillance and activation which is desirable for pedestrians to travel through.

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)Back of House and Servicing Locations

Servicing providers such as Western Power are required to locate transformer infrastructure with direct access from a public road rather than a laneway or private street. Due to the above and the location of existing service connections on-site, back of house and servicing connections are proposed to be located at ground level in the designated areas shown on the LDP to minimise the impact on the façade and ensure the façade facing the laneway to the west creates an inviting pedestrian environment.

The LDP initially proposed the service connections to be for a length of 11.1m entirely along the Marmion Street frontage. However, the applicants have since modified the extent of service connections and back of house facilities along Marmion Street to 7.4 metres, with an additional 4 metres for service connections along the truncation of Marmion Street to the adjoining western lot.

The way in which the proposed LDP limits the impact of service connections and back of house facilities will promote optimum built form outcomes for the site. The ground floor interface will not be dominated by service related impacts, the installation of which will be restricted to a 7.4m length, and will be required to be integrated into the built form as opposed to free standing. This means that the bulk of the ground floor interface will be of visual interest, and will provide the all-important levels of activation that are warranted in this important City Centre location.

Access to the Site

Traffic and access arrangements of the LDP have been reviewed by the City's Technical Services team. The existing road network is considered to be capable of accommodating the development possible under the LDP and the use of the existing crossover off Andrea Lane is considered appropriate.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The application is recommended for approval for the reasons outlined in the Comment section above. Should the Council have an alternate view, the application could be refused, or alternatively, additional conditions may be imposed.

If the Council refuses to grant approval, or, if any conditions of planning approval are imposed that are considered to be unreasonable, the applicant can apply to have the decision of the Council reviewed by the State Administrative Tribunal (SAT).

P19/3806 - PROPOSED LOCAL DEVELOPMENT PLAN AT LOT 402 (181-205) DAVY STREET, BOORAGOON (REC) (ATTACHMENT)**CONCLUSION**

The site is located within a key activity corridor, Booragoon Activity Centre, so the nil setbacks on ground level and main street design principles proposed as part of this LDP are considered an appropriate response to the site's location. The provisions proposed align with the strategic objectives in the City's Local Planning Strategy and with State Planning Policy 4.2 - *Activity Centres for Perth and Peel* and will facilitate development consistent with the surrounding sites within the Lakeside Precinct of the MCCSP. On that basis, it is recommended that the LDP be approved as proposed.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3806) APPROVAL

At 7:56pm Cr Mair moved, seconded Cr Woodall –

That the Council in accordance with Schedule 2 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Local Development Plan for Lot 402 (181-205) Davy Street, Booragoon.

At 7:57pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

At 7:57pm Cr Robins entered the meeting.

At 7:58pm Cr Barling entered the meeting.

At 7:58pm Cr Phelan entered the meeting.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 19 FEBRUARY 2019
Minutes 19 February 2019****COUNCIL RESOLUTION**

At 7:58pm Cr Robartson moved, seconded Cr Wieland –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 19 February 2019, be confirmed as a true and accurate record.

8. *Confirmation of Minutes, continued*

Amendment 1

At 7:59pm Cr Kepert moved, seconded Cr Pazolli–

That the Council;

Delete the following words on page 29 of the 19 February 2019 Ordinary Meeting of Council draft Minutes.

“At 8:34pm the Mayor requested Cr Kepert to withdraw disrespectful comments directed to him as presiding member. At 8:35pm Cr Kepert refused to withdraw his comments and the Mayor moved to the next speaker.” and

Replace the deleted words with the following:

“At 8:34pm the Mayor requested Cr Kepert to withdraw an unknown statement. Cr Kepert asked the Mayor to clarify what statement was to be withdrawn but the Mayor could not identify or recall what comments were supposedly spoken. At 8:34pm Mayor Aubrey banned Cr Kepert from further speaking on the item. At 8:35pm Cr Kepert moved for dissent on the Mayor's ruling which was ignored by the Mayor.”

At 8:09pm the Mayor advised that Cr Kepert was in breach of interrupting in accordance with clause 9.9 of the City of Melville Meeting Procedure Local Law 2017 and the Presiding Member to be heard without interruption clause 9.19 of the City of Melville Meeting Procedures Local Law 2017.

“9.9 Members not to interrupt

No Member of the Council or a committee is to interrupt another Member of the Council or committee whilst speaking unless-

- (a) to raise a point of order;*
- (b) to call attention to the absence of a quorum;*
- (c) to make a personal explanation under clause 9.14; or*
- (d) to move a motion under clause 13(1)(h).*

9.19 Presiding member to be heard without interruption

- (1) Whenever the presiding member signifies a desire to speak at any time during the meeting, any Member speaking or offering to speak must be silent, so that the presiding member may be heard without interruption.*
- (2) Clause 9.19 is not to be used by the presiding member to exercise the right provided for in clause 9.8 but to preserve order.”*

8. *Confirmation of Minutes, continued*

Procedural motion

At 8:14 Cr Robins moved, seconded Cr Macphail -

That the motion be put.

At 8:15pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Vote Result Summary	
Yes	9
No	4

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

At 8:18pm Cr Wheatland left the meeting and returned at 8:20pm.

Amendment 1

At 7:59pm Cr Kepert moved, seconded Cr Pazolli –

That the Council;

Delete the following words on page 29 of the 19 February 2019 Ordinary Meeting of Council draft Minutes.

“At 8:34pm the Mayor requested Cr Kepert to withdraw disrespectful comments directed to him as presiding member. At 8:35pm Cr Kepert refused to withdraw his comments and the Mayor moved to the next speaker.” and

Replace the deleted words with the following:

“At 8:34pm the Mayor requested Cr Kepert to withdraw an unknown statement. Cr Kepert asked the Mayor to clarify what statement was to be withdrawn but the Mayor could not identify or recall what comments were supposedly spoken. At 8:34pm Mayor Aubrey banned Cr Kepert from further speaking on the item. At 8:35pm Cr Kepert moved for dissent on the Mayor's ruling which was ignored by the Mayor.”

At 8:19pm the Mayor submitted the motion, which was declared

LOST (4/8)

Vote Result Summary	
Yes	4
No	8

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

8. *Confirmation of Minutes, continued*

Amendment 2

At 8:23pm Cr Kepert moved, seconded Cr Pazolli –

That the Council;

Delete the following words on page 121 of the 19 February 2019 Ordinary Meeting of Council draft Minutes.

“At 11:04pm Cr Kepert advised the meeting that Cr Phelan had sworn at him. Cr Kepert requested that the words be recorded in the minutes in accordance with section 9.18 of the City of Melville Meeting Procedures Local Law 2017, however the Council did not vote on the matter as required by the Local Law”: and

Replace the deleted words with the following:

“At 11:04pm Cr Kepert requested the inclusion of the specific words “** off” (expletive removed) spoken towards him by Cr Phelan be recorded in the minutes in accordance with clause 9.18 of the City of Melville Meeting Procedures Local Law 2017.”**

At 8:30pm the Mayor submitted the motion, which was declared

LOST (4/9)

Vote Result Summary	
Yes	4
No	9

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Mair	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

8. *Confirmation of Minutes, continued*

Amendment 3

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

That the Council;

Adds the prepared statement made by Mayor Aubrey regarding the Melville resident Mr Clive Ross during the Ordinary Meeting of Council of the 19th February 2019 to the minutes at the appropriate section.

At 8:35pm the Mayor submitted the motion, which was declared

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

8. *Confirmation of Minutes, continued*

Amendment 4

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

That the Council;

Add the following words on page 17 of the 19 February 2019 Ordinary Meeting of Council draft Minutes following the words “Petitions from six individual Lead Petitioners signed by a total of 307 residents have been received by the City of Melville.”

“The Lead Petitioners are XXXXX, XXXXX, XXXXX, XXXXX, XXXXX and XXXXX

Note – as the motion was lost, the names have been redacted.

Procedural motion

At 8:44 Cr Barling moved, seconded Cr Robins

That the motion be put.

At 8:46pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Mair	No
Cr Wheatland	No

8. *Confirmation of Minutes, continued*

Amendment 4

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

That the Council;

Add the following words on page 17 of the 19 February 2019 Ordinary Meeting of Council draft Minutes following the words “Petitions from six individual Lead Petitioners signed by a total of 307 residents have been received by the City of Melville.”

“The Lead Petitioners are XXXXX, XXXXX, XXXXX, XXXXX, XXXXX and XXXXX

At 8.47pm the Mayor submitted the motion, which was declared

LOST (4/9)

Note – as the motion was lost, the names have been redacted.

Vote Result Summary	
Yes	4
No	9

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

8. *Confirmation of Minutes, continued*

8.1 ORDINARY MEETING OF THE COUNCIL – 19 FEBRUARY 2019
Minutes 19 February 2019

COUNCIL RESOLUTION

At 7:58pm Cr Robartson moved, seconded Cr Wieland –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 19 February 2019, be confirmed as a true and accurate record.

At 8:50pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

At 8.51pm Cr Barling left the meeting and returned at 8.56pm.

At 8.51pm Cr Wieland left the meeting and returned at 8.59pm.

At 8.51pm Mr Prendergast left the meeting and returned at 8.52pm.

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 MARCH 2019

Item dealt with earlier in the meeting.
See page 8.

8. *Confirmation of Minutes, continued*

Amendment 5

At 8:51pm Cr Kepert moved, seconded Cr Pazolli –

That the Council;

Add the following words at the appropriate section on page 9 of the 6 March 2019 Special Meeting of Council draft Minutes.

“The deputation requested Council to reject the officer’s recommendation for item P19/3807 providing the following reasons:

- The lot size being insufficient to grant the development bonus storeys.**
- The proposed development clashing with the hierarchical intent of the Canning Bridge Activity Centre.**
- The overshadowing effect on Applecross and Mt Pleasant by the development proposal.”**

At 8.54pm the Mayor submitted the motion, which was declared

CARRIED (6/5)

Vote Result Summary	
Yes	6
No	5

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

Reasons

The relevant section in the Minutes of the Special Meeting of Council 6th March 2019 doesn’t contain information regarding the purpose or content of the deputation provided by Messrs Kenny, Rowe and Ross.

A basic synopsis of the deputation’s purpose, content and recommendation is important information which should be included in the official records of the meeting.

The deputation made by Messrs Kenny, Rowe and Ross requested Council to reject the officer’s recommendation for item P19/3807 providing the following reasons:

- The lot size being insufficient to grant the development bonus storeys.
- The proposed development clashing with the hierarchical intent of the Canning Bridge Activity Centre.
- The overshadowing effect on Applecross and Mt Pleasant by the development proposal.

This is particularly important as the development in that item was subsequently rejected by the Central Metropolitan Joint Development Assessment Panel on the following day, 7th March 2019.

8. *Confirmation of Minutes, continued*

8.3 SPECIAL MEETING OF THE COUNCIL – 6 MARCH 2019

COUNCIL RESOLUTION

At 8:55pm Cr Woodall moved, seconded Cr Robartson –

That the Minutes of the Special Meeting of the Council held on Wednesday, 6 March 2019, be confirmed as a true and accurate record, as amended.

At 8.55pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

At 8:59pm the Mayor brought forward Item P19/3805 - Local Planning Policy - Canning Bridge Activity Centre –Bonus Building Height Provisions for the convenience of officers.

Late Item P19/3805 - LOCAL PLANNING POLICY - CANNING BRIDGE ACTIVITY CENTRE –BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Disclosure of Interest

Member	Mayor Aubrey
Type of Interest	Financial/ Proximity Interest
Nature of Interest	Owns property in the Canning Bridge Activity Centre
Request	Leave
Decision	Leave
Ward	: Applecross- Mt Pleasant
Category	: Policy
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Report on Preparation of a Local Planning Policy
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P18/3779 – Review of Canning Bridge Activity Centre Plan – Update, Ordinary Meeting of Council 17 April 2018; M18/5640 – Special Meeting of Electors 20 August 2018, Motions Carried, Ordinary Meeting of Council 18 September 2018; P18/3793 CBACP –Council request for Preparation of Planning Policy 20 November 2018.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Council at its meeting on 20 November 2018 (Report P18/3793) considered the ability for a Local Planning Policy to guide the exercise of discretion relating to the awarding of bonus height in the Canning Bridge Activity Centre Plan (CBACP).
- Report P18/3793 concluded that a Local Planning Policy (LPP) relating to the awarding of bonus height under the CBACP was required to be consistent with the provisions of the CBACP. Accordingly it would not be open for a LPP to introduce absolute height limits.
- Report P18/3793 established that a LPP may seek to provide additional clarity on the intended built form outcomes anticipated by the CBACP and the relationship between the merit of community benefits and bonus items provided and the awarding of additional building height. More prescriptive measures, such as the introduction of specific height caps, would however require preparation and consideration of an amendment to the CBACP itself.
- Part 2 of resolution P18/3793 requested the preparation of a LPP for consideration at the March 2019 Council, detailing the application of discretion with regard to the awarding of bonus storeys in the CBACP.
- A draft Local Planning Policy has been prepared. The draft LPP includes provisions to guide the exercise of discretion with respect to the awarding of bonus height. The draft LPP was presented to an EMIS on 12 March 2018.
- It is proposed that the draft LPP 1.18 - Canning Bridge Activity Centre Plan - Bonus Building Height Provisions be adopted in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations).
- It is recommended that the Council endorses LPP 1.18 for advertising as required by the regulations.

BACKGROUND

At the September 2018 Ordinary Council Meeting Council considered Item M18/5640 – Special Meeting of Electors 20 August 2018, Motions Carried. Motion 1 of the Special Meeting of Electors relates to the Canning Bridge Activity Centre Plan (CBACP). With respect to Motion 1 the Council resolved to request the preparation of a planning policy for the November 2018 Ordinary Council Meeting specifying prescriptive criteria applied and processes undertaken by the Community Benefit Panel in determining the extent of bonus storeys in response to community benefits provided in developers' proposals. Officer comment on the proposal to prepare a planning policy was provided in a report to the November Ordinary Council Meeting (P18/3793).

The report P18/3793 CBACP – Council Request for Preparation of a Planning Policy (20 November 2018) outlined the opportunities and constraints associated with the use of a Local Planning Policy to guide the exercise of discretion relating to awarding of bonus height in the Canning Bridge precinct. In summary, a local planning policy is required to be consistent with the provisions of the CBACP. A local planning policy may elaborate on or provide additional clarification with respect to controls within the CBACP. Additional controls such as the introduction of absolute height limits would be beyond the scope of a local planning policy. Additional controls, like height limits, would require preparation and consideration of an amendment to the CBACP itself.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Report P18/3793 established that a LPP may seek to provide additional clarity on the intent of the CBACP with respect to built form and the relationship between the merit of community benefits/bonus items provided and the awarding of additional building height. On this basis a draft LPP has been prepared.

At its November 2018 Ordinary Meeting the Council resolved in part that the Council:

“2. Requests the Chief Executive Officer arrange for the preparation of a draft local Planning Policy for Council consideration at the March 2019 Ordinary Meeting of Council prior to proceeding to public advertising, that details the application of discretion with regard to the bonus storeys for community benefit provisions in the current Canning Bridge Activity Centre Plan in the assessment of development applications.”

DETAIL

The draft LPP presents provisions to guide the exercise of discretion with respect to the awarding of bonus height in the CBACP. It is noted that some of the initiatives propose the introduction of parameters in relation to the circumstances and amount of additional height which may be awarded. These initiatives have been informed through legal advice. The key components of the draft LPP are outlined below:

Performance Criteria and Required Documentation:

Bonus Height may be awarded under the CBACP where an applicant has met or exceeded all relevant “Desired Outcomes” and suitably responded to Elements 21 and 22. The draft LPP proposes to introduce “performance criteria” to elaborate and expand upon what is expected by each of the sub elements of Element 21 and 22. A “statement of intent” is also introduced for each sub element to further clarify what is expected by the CBACP. The performance criteria and statement of intent for each of the sub elements, work together to provide additional ability to measure the merit of bonus items being proposed by an applicant. Importantly the performance criteria focus on the need for the applicant to demonstrate that a particular bonus item is needed and that it will be well designed. Details will also be required in relation to ongoing management and maintenance of the proposed bonus item. With this understanding of how well a bonus item responds to the expectations of the CBACP, a more informed decision can be reached regarding the awarding of bonus height.

The performance criteria approach is supported through the identification of “required documentation” to be submitted by an applicant in order to receive an assessment for bonus height. The LPP identifies specific documentation and justifications required to be demonstrated by an applicant to qualify for consideration of bonus height. The approach shifts the onus to the applicant to demonstrate that the requirements to achieve bonus height have been met, and also adds further rigour to the assessment process.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)***Identification of Limit to Bonus Height “Threshold Height”:*

The LPP proposes introducing a guideline to a limit on bonus height in the M10 and M15 zones. While the CBACP does not set an upper limit on the bonus height that may be approved, the CBACP establishes a desired scale and built form for the centre through its content. The desired scale and built form is defined via a hierarchy of building heights identified across the H4, H8, M10 and M15 Zones. Desired Outcome Three also seeks to ensure the interface between these Zones is appropriately managed. While each proposal for bonus height will be considered on its merits, generally any proposal for a height which is more than 50% greater than the DO3 requirement in the M10 zone and 66⅔% greater than the DO3 requirement in the M15 Zone is considered potentially to be inconsistent with the building height hierarchy and desired built form envisaged by the CABAP. In this regard the, the maximum bonus heights contemplated by the Policy are:

- M10 Zone 15 storeys/48 metres; and
- M15 Zone 25 storeys/80 metres

As noted above, the CBACP does not set an upper limit on bonus height that may be approved in M10 and M15 and accordingly a Local Planning Policy is not able to introduce an absolute height limit. However, where a proposal seeks consideration of building heights greater than the maximum bonus heights contemplated by this Policy, it will be expected that the proposal will demonstrate a substantially greater response to key provisions of the CBACP including Elements 21 and 22 as well as an exceeding of the CBACP stated Desired Outcomes. The location and characteristics of the site will also be a factor in determining the compatibility of the proposed height with the intended scale and built form for the Centre.

Accordingly, the draft Policy proposes to identify additional pre-requisites to be responded to where an application seeks consideration of bonus height above the identified limits. These additional requirements (for a development to exceed 15 storeys in M10 and 25 storeys in M15) identified in the draft Policy include but are not limited to the following:

6 Star Green Star

The proposed development is required to meet or exceed a 6 Star Green Star design rating under the Green Building Council of Australia. This requirement is more stringent than the 5 Star rating currently required under Element 21 of the CBACP. The 6 star rating is the highest star rating in the Green Building Council rating system and corresponds to “World Leadership” in terms of a buildings performance with respect to sustainability, environmental impact and innovation. In comparison 4 stars represents “best practice” and 5 stars represents “Australian Excellence”. Achievement of a 6 star Green Star Design rating is considered an appropriate response where an applicant seeks additional bonus height beyond the maximum bonus height envisaged by the Policy. The additional Green Star rating will demonstrate the expected standards in terms of sustainability and mitigation of environmental impacts associated with a request for building height above the identified limits to bonus height.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
- BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)****Response to Element 22 Sub Elements**

The CBACP requires applications seeking bonus height to respond to four sub elements listed under Element 22 (Community Benefits). The draft Policy proposes that where building height is proposed greater than the identified limits to bonus height (that is, above 15 storeys in M10 and above 25 storeys in M15) the proposed development would need to respond to and achieve the requirements of at least six of the sub elements listed under Element 22. The requirement is intended to secure a greater response in terms of number and diversity of community benefits achieved. As with all Element 21 and 22 items the merits of the bonus items would be subject to assessment under the performance criteria proposed to be included in the draft Policy.

Exceeding of Desired Outcomes

The CBACP includes a number of core provisions or standards known as Desired Outcomes. Many of these Desired Outcomes identify a basic minimum standard to be achieved. Other Desired Outcomes relate to requirements that can be achieved or exceeded. As a further tool to measure the merit of a particular proposal, the draft Policy requires an applicant seeking building height above the identified limits to bonus height (that is, above 15 storeys in M10 and above 25 storeys in M15) to demonstrate that the requirements of relevant Desired Outcomes have not just been achieved, but have been exceeded. The draft Policy identifies performance criteria to assist the assessment of the extent to which the applicable Desired Outcomes has been exceeded.

Compatibility with Height Hierarchy

The CBACP, in particular Desired Outcome Three, identifies a desired scale and built form for the Centre. The principles include the establishment of a building height hierarchy and a need to appropriately manage the interface between various Zones in that hierarchy. Under the draft LPP, buildings proposing height above the identified height thresholds will be required to demonstrate compatibility with the established building height hierarchy. In particular taller buildings will need to demonstrate that they are on sites which achieve a substantial separation distance from any boundary with a lower height Zone.

Minimum Lot Sizes

Larger development sites generally have greater opportunity to accommodate taller buildings and to incorporate design measures to mitigate potential impacts on amenity. Accordingly, the draft LPP seeks larger minimum site areas where a proposal involves height above the identified threshold:

M10 Zone - 3000m² (2000m² under standard bonus provisions)

M15 Zone - 4500m² (2600m² under standard bonus provisions)

A copy of Local Planning Policy LPP1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions is attached.

[3805 LPP1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions](#)

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015. Under the provisions of the Regulations the City of Melville must advertise the proposed policy in the local newspaper for a minimum of 21 days.

In this case the draft LPP will also be published on the City's website.

II. OTHER AGENCIES / CONSULTANTS

City Officers will liaise with Officers at the Department of Planning Land and Heritage and City of South Perth regarding the content of the LPP. Formal input from these stakeholders is not required. Engagement will be to inform these stakeholders of the approach being proposed. In the case of the Department of Planning Land and Heritage confirmation will be sought as to whether Western Australian Planning Commission (WAPC) has a role in consideration of the draft LPP.

STATUTORY AND LEGAL IMPLICATIONS

The City will follow the requirements of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 4(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the Council advises the Western Australian Planning Commission (WAPC) if it is of the opinion that the proposed LPP is inconsistent with any State Planning Policy. It is not considered that the proposed LPP is inconsistent with any State Planning Policy. This will be confirmed through contact with the Department of Planning, Lands and Heritage.

Subject to this, there are no other statutory or legal implications in relation to this Design Guidelines the subject of this report.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

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

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

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

Risk Statement	Level of Risk	Risk Mitigation Strategy
WAPC determines proposed policy is inconsistent with CBACP and not able to be implemented resulting in loss of time and resources in policy preparation, advertising, reporting etc.	Moderate consequences which are unlikely, resulting in a Medium level of risk	Not proceed with preparation of a LPP. The Council can choose to proceed with a well-defined and clearly scoped review of the CBACP within the City of Melville and/or preparation of a policy that elaborates on the CBACP.
Risk Statement	Level of Risk	Risk Mitigation Strategy
Perceived lack of clarity experienced by various stakeholders (Elected Members, community, landowners, developers) as to how provisions of CBACP should be interpreted	Moderate consequences which are possible, resulting in a Medium level of risk	The Council can choose to proceed with a well-defined and clearly scoped review of the CBACP within the City of Melville and/or preparation of a local planning policy that elaborates on the CBACP.
Risk Statement	Level of Risk	Risk Mitigation Strategy
Preparation of Policy and/or amendment to CBACP provisions creates uncertainty and results in a loss of confidence for development industry with consequential reduced interest in development	Moderate consequences which are possible, resulting in a Medium level of risk	The Council can choose to proceed with a well-defined clearly scoped and timely review of CBACP within the City of Melville within a targeted timeframe and/or preparation of a local planning policy that elaborates on the CBACP.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

This item presents a draft LPP for consideration by the Council in response to an earlier resolution. There are no implications in relation to other Council policies.

COMMENT

LPP 1.18 provides additional clarity on the intended built form outcomes anticipated by the CBACP and the relationship between the merit of community benefits/bonus items and the awarding of additional building height. Preparation of the LPP included exploration of a number of initiatives to provide a high level of guidance to the exercise of discretion in relation to awarding of building height. Legal advice has informed which of these initiatives is workable having regard to the direction and content of the CBACP.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council is requested to consider adopting a proposed LPP for the purpose of advertising. The Council may seek to modify the content of the proposed LPP. Any modified content would need to ensure that the Policy maintains consistency with the CBACP. Modified content may require further legal input to establish the level of consistency.

The Council may choose to not proceed with the draft LPP. The Council has previously resolved to proceed with a review of aspects of the CBACP. Under this option matters proposed to be covered by the LPP could be included in the scope of the review of the CBACP.

CONCLUSION

It is recommended that Local Planning Policy 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions be endorsed by the Council for advertising.

OFFICER RECOMMENDATION (3805)**APPROVAL**

At 8:59pm Cr Robins moved, seconded Cr Robartson –

That the Council:

Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions for the purposes of public consultation for a period of not less than 21 calendar days.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Procedural motion

At 8:59pm Cr Pazolli moved, seconded Cr Barton –

That Item P19/3805 - Local Planning Policy Canning Bridge Activity Centre – Bonus Building Height Provisions be deferred for a discussion at Elected Member Information Session and presented to a Special Meeting of Council to be held on Wednesday 10 April 2019.

At 9:14pm the Mayor submitted the motion, which was declared

LOST (6/7)

Vote Result Summary	
Yes	6
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Mayor	No

OFFICER RECOMMENDATION (3805)

APPROVAL

At 8:59pm Cr Robins moved, seconded Cr Robartson –

That the Council:

Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions for the purposes of public consultation for a period of not less than 21 calendar days.

At 9:01pm Cr Robins left the meeting and returned at 9:05pm.

At 9:18pm Cr Woodall left the meeting and returned at 9:22pm.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Amendment

At 9:22pm Cr Pazolli moved, seconded Cr Barton –

That the following words be included at the end of the officer recommendation:

“, subject to the CEO amending page 3 of the policy under the title “Threshold to Bonus Height””, that the threshold percentages be changed:

- **from M10 50% to 20%; and**
- **from M15 66 2/3 to 20%.”**

At 9:45pm the Mayor advised that he had a financial interest in the matter and vacated the Chair and left the meeting at 9:46pm.

At 9:46pm the Deputy Mayor assumed the chair.

Procedural motion

At 9:46pm Cr Woodall moved, seconded Cr Wheatland

That the motion be put.

At 9:47pm the Deputy Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barling	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Amendment

At 9:22pm Cr Pazolli moved, seconded Cr Barton –

That the following words be included at the end of the officer recommendation:

“, subject to the CEO amending page 3 of the policy under the title “Threshold to Bonus Height”, that the threshold percentages be changed:

- **from M10 50% to 20%; and**
- **from M15 66 2/3 to 20%.”**

At 9:51pm the Deputy Mayor submitted the motion, which was declared

LOST (6/7)

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

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No

At 9:28pm Cr Wheatland left the meeting and returned at 9:29pm.

At 9:42pm Cr Kepert left the meeting and returned at 9:44pm.

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Substantive Motion

OFFICER RECOMMENDATION (3805)

APPROVAL

At 8:59pm Cr Robins moved, seconded Cr Robartson –

That the Council:

Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions for the purposes of public consultation for a period of not less than 21 calendar days.

Procedural Motion

At 9:54pm Cr Pazolli moved, seconded Cr Kepert -

That the meeting go behind closed doors to enable the legal advice on this item to be read to Elected Members.

At 9:56pm the Deputy Mayor submitted the motion, which was declared

LOST 5/7

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wheatland	No
Cr Wieland	No
Cr Woodall	No
Cr Barling	No

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Substantive Motion

OFFICER RECOMMENDATION (3805)

APPROVAL

At 8:59pm Cr Robins moved, seconded Cr Robartson –

That the Council:

Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions for the purposes of public consultation for a period of not less than 21 calendar days.

At 9:59pm Cr Barton left the meeting and returned 10:01pm.

At 9:59pm Cr Phelan left the meeting and returned 10:02pm.

Words deleted
by resolution
OMC 21 & 28
May 2019
pg 9

At 10:01pm the Deputy Mayor called Cr Kepert to order.

Procedural Motion

At 10:03pm Moved Cr Pazolli, seconded Cr Kepert -

A motion of dissent in the Presiding Members ruling that comments made by Cr Macphail were not offensive.

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

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wheatland	No
Cr Wieland	No
Cr Woodall	No
Cr Barling	No

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Procedural Motion

At 10:09pm Cr Macphail moved, seconded Cr Wieland -

That the motion be put.

At 10:09pm the Deputy Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barling	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

**Late Item P19/3805 - LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE
– BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Substantive Motion

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3805)

APPROVAL

At 8:59pm Cr Robins moved, seconded Cr Robartson –

That the Council:

Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions for the purposes of public consultation for a period of not less than 21 calendar days.

At 10:11pm the Deputy Mayor submitted the motion, which was declared

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

Vote Result Detailed	
Cr Barton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barling	Yes
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No

At 10:13 The Deputy Mayor adjourned the meeting and vacated the Chair.

At 10:13pm Mr Ponton left the meeting and did not return.

At 10:13pm Mr Prendergast left the meeting and did not return.

At 10:13pm Mr Hobbs left the meeting and did not return.

At 10:13pm Ms Arbel left the meeting and did not return.

At 10:13pm Cr Robartson left the meeting and did not return

At 10:20pm The Mayor returned to the meeting, assumed the Chair and resumed the meeting.

Disclosure of Interest

Member	Cr Mair
Type of Interest	Interest under the Code
Nature of Interest	Joint patron Melville Theatre
Request	Stay and discuss
Decision	Stay and discuss
Member	Cr Mair
Type of Interest	Interest under the Code
Nature of Interest	Director of a company that owns a property in the Riseley Centre Structure Plan
Request	Stay and discuss
Decision	Stay and discuss
Member	Cr Barton
Type of Interest	Interest under the Code
Nature of Interest	Part patron of Melville Theatre Company
Request	Stay and discuss
Decision	Stay and discuss

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

Ward	: Central, Applecross-Mt Pleasant, Palmyra-Melville-Willagee, Bicton-Attadale-Alfred Cove
Category	: Strategic
Subject Index	: Not Applicable
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	: None
Works Programme	: Not Applicable
Funding	: Land and Property Reserve
Responsible Officer	: Mario Murphy – Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)**KEY ISSUES / SUMMARY**

- Delegated Authority 'DA-090 Grant of Demolition Permit' 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* except that Council approval is required for demolition of buildings on property owned by the City of Melville.
- This report recommends that the Council approve the demolition of the residences and improvements situated at 5 and 7 Willcock Street, Ardross.
- This report recommends that the Council approve the demolition of the Melville Bridge Club building, 788-790 Canning Highway.
- This report recommends that the Council approve the demolition of 43 Zenobia Street, Palmyra i.e. Palymra Pre-Primary. This building was vacated by the Department of Education in June 2018.
- The demolition works for the above buildings are to be undertaken by the City in July/August 2019 following approval of the 2019-2020 Capital Works Budget.
- This report recommends that the Council approve the demolition of - 391 Canning Hwy Palmyra (Stock Rd Senior Citizens building, AH Bracks Old Library and Melville Roads Board Building). The demolition works are to be undertaken and paid for by the ground lease lessee, Melville Health, Aged and Community (WA) Pty Ltd – Hall & Prior.
- This report recommends that the Council approve the demolition of existing public toilet at Point Walter Tennis Club. The existing toilet is to be demolished in May/June 2019 as part of the renewal of the facility which was approved in the 2018-2019 Capital Works Budget.

BACKGROUND

Delegated Authority 'DA-090 Grant of Demolition Permit' 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* except that Council approval is required for demolition of buildings on property owned by the City of Melville.

5 and 7 Willcock Street, Ardross

At the Ordinary Meeting of Council held on 17 November 2015, the Council approved the purchase of the property situated at 5 Willcock Street, Ardross. The property was purchased for the purpose of amalgamating 1, 3 and potentially 7 Willcock Street to create a uniform large strategic redevelopment site. At the time of purchase it was not the City's intention to retain the residential premises and improvements on the site. However as a condition of sale, the vendors requested a lease back option for a period of 6-12 months. The property was leased to the vendors and managed by the City's property management agent.

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)Melville Bridge Club, 790 Canning Highway, Applecross

The Melville Bridge Club moved into its new premises at Melville Recreation Centre in February 2019. Its former premises occupies one of the City's strategic redevelopment sites within the Riseley Activity Centre and is anticipated to be taken to the market seeking requests for proposals (RFP) in 2019 for ground lease redevelopment proposals. The RFP process was endorsed by the Council on 10 December 2013 (as per item M13/5339) and the City's Strategic Property Executive will implement and action the Council's resolution.

43 Zenobia Street, Palmyra (Vacant) – Previously Palmyra Pre-Primary

This building was leased to the Department of Education who vacated the building in June 2018. The building is in a poor state of repair requiring approximately \$150,000 upgrade works to comply with modern standards for leasing. The Community Development team carried out a needs analysis for potential re-use of the building. Following this analysis it was recommended by the City's internal Strategic Property Management Group and supported by the City's Executive that demolition of the existing building was the preferred option.

391 Canning Hwy Palmyra (Stock Road Senior Citizens Building, AH Bracks Old Library and Melville Road's Board Building)

Council approved a ground lease proposal to redevelop this site by Melville Health, Aged and Community (WA) Pty Ltd in December 2018 per Item (3791). Existing user groups have been advised by the City that they can continue to occupy the premises until the end of December 2019 upon which time Melville Health, Aged and Community (WA) Pty Ltd is expected to have obtained its approvals for development of the aged care facility on the Melville Health, Aged and Community (WA) Pty Ltd will coordinate and fund the demolition of the existing buildings, however the Council's approval is required in advance. The site will only be handed over to Melville Health, Aged and Community (WA) Pty Ltd upon vacation of the buildings by the user groups.

Public Toilet – Point Walter Reserve

The existing public toilet at Point Walter Tennis Club has been identified from building audits as being in very poor condition and requiring replacement. Budget for the replacement of this toilet was approved in the 2018-2019 Capital Works Programme.

DETAIL5 and 7 Willcock Street, Ardross (Residential Houses)

- Council Approval – *Recommended in this Report*
- SPMG Recommendation - Recommended for demolition
- Current Status – leases, notices etc. – *Vacant*
- Heritage Value - *None*
- Anticipated Demolition Date – *July/August 2019*
- Who will demolish – *City of Melville*
- Budgeted Cost – *Estimated cost of demolition \$70,000. Funds to be requested for 2019-2020 Capital Works Budget.*

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

3 Willcock St - Google Maps

<https://www.google.com.au/maps/@-32.0222933,115.8327095,3a,75y,62.3h,79.83t/data=!3m...>



7 Willcock St - Google Maps

<https://www.google.com.au/maps/@-32.0224483,115.8330447,3a,75y,31.38h,76.35t/data=!3m...>



Former Melville Bridge Club, 788-790 Canning Highway, Applecross (Club Building)

- Council Approval – *Recommended in this Report*
- SPMG Recommendation - Recommended for demolition
- Current Status– leases, notices etc.
- Heritage Value - *None*
- Anticipated Demolition Date – July/August 2019
- Who will demolish – *City of Melville will demolish upon Melville Bridge Club vacating the site and moving to its new premises at Melville Recreation Centre.*
- Budget Cost – *Estimated cost of demolition \$40,000. Funds to be requested for 2019-2020 Capital Works Budget.*

The works to incorporate the Melville Bridge Club at the Melville Recreation Centre have been completed and the Bridge Club relocated in February 2019.

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)



391 Canning Hwy Palmyra (Stock Rd Senior Citizens building, former AH Bracks Library building and former Melville Road's Board building)

- Council Approval – *Recommended in this Report*
- Current Status– leases, notices etc. – *Existing leases and licenses held over on a periodic basis with occupancy expected to extend to December 2019.*
- Heritage Value – *None, however the Lessee will acknowledge and recognise the site being occupied by the former Melville Road Board Building by way of a historical plaque or public art to reflect the heritage of the site and link to the City of Melville.*
- Anticipated Demolition Date – *Early 2020*
- Who will demolish – *Proposed Lessee (Melville Health, Aged and Community (WA) Pty Ltd – Hall & Prior) will undertake the demolition at their cost as per the lease approval conditions*
- Budget Cost – *Approximately \$300K to be funded by the Lessee*

167 Stock Rd - Google Maps

<https://www.google.com.au/maps/@-32.0351797,115.7936577,3a,75y,296.55h,95.96t/data=!...>

Google Maps 167 Stock Rd



Image capture: Jun 2018 © 2019 Google

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

Canning Hwy - Google Maps

<https://www.google.com.au/maps/@-32.0343036,115.7933951,3a,75y,182.93h,88.55t/data=!...>

Google Maps Canning Hwy



Image capture: May 2018 © 2019 Google

43 Zenobia Street, Palmyra (Vacant) – Previously Palmyra Pre-Primary

- Council Approval – *Recommended in this Report*
- SPMG Recommendation - Recommended for demolition
- Current Status – leases, notices etc. – *The building is currently vacant. The Building was previously leased to the Department of Education who vacated the building in June 2018. The building is in poor condition requiring over 150k to comply with modern standards. It is proposed to reinstate the site to parkland.*
- Heritage Value – *None.*
- Anticipated Demolition Date – *July/August 2019*
- Who will demolish and when – *City of Melville will demolish the building*
- Budget Cost – *Approximately \$50K. Funds to be requested for 2019-2020 Capital Works Budget.*



T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

Public Toilet – Pt Walter Reserve

- Council Approval – *Recommended in this Report*
- SPMG Recommendation – *N/A*
- Current Status – leases, notices etc. – *Existing toilet is currently operational but in very poor condition.*
- Heritage Value – *None.*
- Anticipated Demolition Date – *May/June 2019*
- Who will demolish – *City of Melville will demolish the toilet as part of the upgrade to new facilities*
- Budget Cost – *Approximately \$10k funded from the 2018-2019 Capital Works Budget.*

Point Walter Reserve



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

5 and 7 Willcock Street, Ardross (Residential Houses)

These properties were purchased by the City of Melville with the intention to assemble a strategic redevelopment parcel of land within the Riseley Activity Centre. The demolition of the buildings represents the first step to de-constraining the redevelopment site. The adjoining owners being the property situated to the east at 9-11 Wilcock Street Ardross will be advised in advance of an impending demolition.

Former Melville Bridge Club, 788-790 Canning Highway, Applecross (Club Building)

No further engagement required as the relocation has occurred.

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

391 Canning Hwy Palmyra (Stock Rd Senior Citizens Building, Former AH Bracks Library Building and Former Melville Road's Board Building)

Community Development Services together with the Strategic Property Executive have consulted extensively with the existing lessees and licensees and user groups over their temporary and permanent relocation. This will continue throughout the phases of the redevelopment project. All groups will be given advanced notice of vacation dates and this will be in advance of any demolition work. Regular communication and updates will be provided by the City to the user groups.

43 Zenobia Street, Palmyra (Vacant) – Previously Palmyra Pre-Primary

Community Development carried out internal and external consultations in the preparation of the needs assessment for the site. These consultations included the Australian Childcare Alliance (ACA) who advised on the requirements to bring the building up to modern standards for a childcare facility.

Public Toilet – Pt Walter Reserve

Consultation has been held with the lessee for the Golf Course, Belgravia Health & Leisure Group Pty Ltd, who has confirmed that they fully support the concept of replacing the existing public toilets and moving them closer to the playground in the reserve. This will not inconvenience hirers of the tennis courts as toilet facilities are available in the clubhouse.

II. OTHER AGENCIES / CONSULTANTS

Not Required.

STATUTORY AND LEGAL IMPLICATIONS

Delegated Authority 'DA-090 Grant of Demolition Permit' requires any property (Buildings) owned by the City of Melville and recommended for demolition, to be referred to the Council for approval, prior to demolition.

FINANCIAL IMPLICATIONS

The Cost of demolition of the surplus buildings is estimated as follows:

2018-2019 Capital Works Programme:		
Public Toilet Pt Walter-	\$10,000	
2019-2020 Capital Works Programme:		
5&7 Wilcock Street -	\$70,000	
Melville Bridge Club -	\$40,000	
391 Canning Hwy Palmyra -	\$0.00	(Nil to City, \$300k by developer)
<u>43 Zenobia Street -</u>	<u>\$50,000</u>	
Total:	\$160,000	

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)

The budget for the demolition of the toilet at Point Walter is included in the 2018-2019 Capital Works Programme, i.e. as part of the total cost of replacement. The budgets for the demolition of the remaining buildings are to be requested in the 2019/2020 budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

With the exception of 5 Willcock Street which was built in the 1990's, all other buildings were constructed in the 1950's-1970's era and therefore it is highly probable that asbestos material may be present in the building improvements. It is recommended that the contractors ascertain the extent of any possible asbestos material as part of their quote and that upon completion of the demolition a Hazardous Materials Assessment and report be completed.

Risk Statement	Level of Risk	Risk Mitigation Strategy
If the existing building is not demolished then future redevelopment cannot proceed.	Low level of risk.	Ensure that approval is given to proceed with demolition.
Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of injury to public during/following demolition activities.	Major consequences which are possible, resulting in a High level of risk.	A contractor undertaking works will be required to provide safe work practices and a management plan that would include activities such as; security fencing, Job Safety Analyses, all required tickets etc. Once demolition is complete the sites will be temporarily fenced off to prevent public access until such time that the site is redeveloped if applicable.

POLICY IMPLICATIONS

There are no Policy implications associated with this report apart from CP-023 Procurement of Products or Services Policy which would apply should the decision be made by the Council to approve the demolitions.

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could choose not to approve the demolition on any or all of the buildings discussed. Implications would include additional maintenance costs, and lost development opportunities.

CONCLUSION

Demolition of the existing public toilet at Point Walter Tennis Club is being undertaken as part of the renewal project arising from the Building Asset Management Plan.

Demolition of the existing improvements on the Wilcock St, Melville Bridge Club and Canning Highway sites is consistent with a strategic approach to unconstrain the sites in readiness for redevelopment.

Demolition of the existing improvements at 43 Zenobia Street is being undertaken due to the condition of the facility and is consistent with the Building Asset Management Plan.

OFFICER RECOMMENDATION (3804)**APPROVAL****That the Council:**

1. Approves the demolition of the existing residences at 5 and 7 Wilcock Street, Ardross.
2. Approves the demolition of the Melville Bridge Club building, 790 Canning Highway, Applecross.
3. Approves the demolition of the Palmyra Stock Rd Senior Citizens building, AH Bracks Old Library and Melville Road Building at 391 Canning Highway.
4. Approves the demolition of 43 Zenobia Street, Palmyra.
5. Approves the demolition of the public toilet at Point Walter Tennis Club as part of the upgrade of this facility.

Officers had provided further information on this item and proposed amendments to the officer recommendation.

T19/3804 – DEMOLITION OF SURPLUS CITY BUILDINGS (REC)**COUNCIL RESOLUTION****Substantive Motion as Amended**

At 10:20pm Cr Phelan moved, seconded Cr Wheatland –

That the Council:

1. Approves the demolition of the existing residences at 5 and 7 Willcock Street, Ardross.
2. Approves the demolition of the Melville Bridge Club building, 790 Canning Highway, Applecross.
3. Approves the demolition of the Palmyra Stock Rd Senior Citizens building, AH Bracks Old Library and Melville Road Building at 391 Canning Highway, subject to a historic photographic record of the Melville Roads Board Building being undertaken prior to demolition.
4. Directs the CEO to undertake further assessment to determine the feasibility including estimated costs of retaining and upgrading the property at 43 Zenobia Street, Palmyra for other suitable community uses.
5. Approves the demolition of the public toilet at Point Walter Tennis Club following the construction of a replacement public toilet facility being completed.

At 10:24pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	LPP 1.4 Provision of Public Art in Development Proposals 40.25 5D
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	:	P16/3726
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Hannah Katarski Cultural Development Officer - Arts

AUTHORITY / DISCRETION

DEFINITION

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

**CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF
PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Local Planning Policy 1.4 (LPP 1.4) 'Provision of Public Art in Development Proposals' is due for review. A number of major and minor changes are recommended in order to reduce ambiguity, streamline administration, and adhere to industry standards.
- The City's Public Art Strategy and Masterplan has informed the review of Local Planning Policy 1.4.

BACKGROUND

This Policy was presented to the Council for review in May of 2016. It was advertised publicly and then the decision regarding endorsement was deferred to 2017. During 2017 the City developed the Public Art Strategy and Master Plan in consultation with the community to support and inform Local Planning Policy 1.4. Due to the development of the Public Art Strategy and the passage of time, the policy document has been reviewed again, in the context of current industry practice and is different to that presented in 2016. It is usual for Policies be reviewed every two years.

In the most recent Community Perceptions survey, street art and public art received an 80% positive rating from respondents.

Public Art plays an important role in contributing to a sense of community. In line with the Strategic Community Plan, public art encourages place activation and vibrancy by contributing to an interesting built environment. Engaging public art becomes a reason for new and existing 'audiences' to visit and enjoy our cultural sites.

It should be noted that certain structure plans currently differ from this Policy in their requirements for public art. The City is currently working towards consistency across the whole City. The plans that differ are:

- Melville City Centre Structure Plan
- Canning Bridge Activity Centre Structure Plan
- Murdoch Specialised Activity Centre Structure Plan.

DETAIL

The key changes to the Policy are outlined below:

Major Changes

- Include reference to the Public Art Strategy and Masterplan.
- Increase of threshold for the cost of developments from \$1 million to \$2 million meaning developments under \$2 million will not incur the required contribution for public art.

Introduce a discount of 0.15% on cash in lieu payments made on projects valued between \$2 million - \$10 million. i.e. cash payment of 0.85%

[8112 LPP 1.4 Public Art with Tracked changes](#)

CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)

This enables:

- Developers to choose to undertake the public art component or to provide the funds to the City for expenditure on public art in that precinct.
- Addition of acquittal information required by the City after installation to satisfy and complete the Artwork Completion form.

Minor Changes

- Clarify the definitions for the terms 'artist', and 'public art' in line with current understanding in the creative arts sector
- Introduce definition for 'Public Art Consultant/Co-ordinator'.
- Define and limit the amount of the public art budget that can be attributed to consultant fees/project management fees to 15% of the 1%. This is considered reasonable and in line with practice in this sector.
- Clarify the 'Information Requirements' to be provided by a Developer when submitting an 'Artwork Proposal' for assessment by the City's Public Art Panel.

Major Changes

The City developed and endorsed its first Public Art Strategy and Masterplan in 2017. For this reason previous iterations of Local Planning Policy 1.4 do not reference the Strategy. The Public Art Strategy and Masterplan involved community consultation and asset mapping in order to develop strategic direction for public art within the City. It is important that all developers providing public art in order to comply with Local Planning Policy 1.4 do so with consideration of the Public Art Strategy and Masterplan.

It is proposed that the threshold for provision of public art in developments be increased from \$1 million to \$2 million. The thresholds for other Percent for Art Policies across the State have been benchmarked. Increasing costs of construction and changes across the sector over the last few years mean that \$2 million dollars is a reasonable threshold.

Table one show the current thresholds for provision of public art at other government bodies.

Table 1.

Local / State Government Authority	Threshold (\$)
State Government	2 million
City of Belmont	4.5 million
City of Swan	2 million
City of Cockburn	1 & 2 million
City of South Perth	4 million
City of Fremantle	1 million
City of Victoria Park	5 million
City of Vincent	1 million
City of Canning	4 million
City of Bayswater	1 million
City of Subiaco	2.5 million

CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)

Public Art proposals that have been presented to the Public Art Panel for assessment over the last two years have shown that generally the quality of artwork for projects valued at less than \$20,000 is influenced by the budget. Reasons for this may be that a smaller budget constricts the quantity and range of materials, and the types of artwork that are feasible. Further, the City's experience suggests that art consultants or project managers with public art experience are often not involved in smaller projects, and experienced public artists are not attracted to the smaller projects.

In the current economic climate, increasing the threshold also alleviates some pressure on small businesses, for whom the public art requirement can create increased administration and complexity for small projects.

A large amount of administrative time is also expended on these smaller projects by the City, particularly where developers are dealing with public art for the first time. The Public Art Panel, which is comprised of Officers, Managers, Directors and industry assessors, also spend significant time assessing low budget proposals, and then reassessing those proposals which do not initially satisfy the requirements.

Smaller projects that are not required by the City to comply with the Policy will still be supported by City Officers if businesses/ developers would like to provide Public Art as part of their development without the formal processes.

There is a perceived loss of income in raising the threshold, but ten \$2 million dollar developments will provide the same budget for public art as one development with a budget of \$20 million. The growth around the City's transport hubs means an increase in the number of large developments.

Arguably larger public art budgets produce artwork with more impact. For this reason both Planning Services and Cultural Services recommend introducing a 15% discount for smaller developments that elect to pay cash in lieu of providing the public art themselves. Receipt of cash in lieu would remove the need to assess and ensure the developer's artwork is compliant, plus the monies held in trust can then be pooled and expended by the City's Officers on large-scale public art projects identified in the endorsed Public Art Strategy and Masterplan. Table Two (below) outlines the discounts provided by other LGAs as an incentive to pay cash.

Pooled funds held in trust have the opportunity to create major impact statements for the precincts/ local area, including entry statements, wayfinding and play elements that all add value to the local area and the community feel.

Table 2

Name of Local Government Authority	Discount for cash in lieu payments
City of Vincent	15%
City of South Perth	10%
City of Victoria Park	15%

It is recommended that acquittal requirements are documented in the Policy, to help ensure that Developer Public Art is attributed, documented, and maintained in line with industry standards. The Policy can then be consistent with the Artwork Completion form.

**CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF
PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**Minor Changes

It is important that the public art being created as a result of this policy is of a high standard. For this reason the definitions in the Policy have been given more clarity. This ensures that projects are being awarded to suitably qualified professionals and the scope of the projects are consistent with international standards for public art.

It is becoming common for Public Art Consultants to coordinate larger public art projects on behalf of a client. Due to this change in industry practise, a definition for Art Consultant is required.

In line with industry standard, it is important that the project budget is not eroded with overly costly project management fees that compromise the delivery of the artwork. For this reason it is recommended that the amount of the public art budget that can be attributed to consultant fees/project management fees be defined and limited to 15%.

To make the assessment process more efficient for both the City and the Applicant, clearer documentation of the 'Information Requirements' is recommended. These requirements need to be provided by a Developer when submitting an 'Artwork Proposal' for assessment by the City's Public Art Panel.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Public consultation on the proposed amendments to the Policy is proposed to be advertised.

Consultation was carried out in 2018 as part of the development of the Public Art Strategy and Masterplan. Internal and external stakeholders, young people, and the broader community were all involved in the multi-staged process, to evaluate their awareness, value of and aspirations for public art across the City.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants was required in this instance.

STATUTORY AND LEGAL IMPLICATIONS

There are not considered to be statutory or legal implications in relation to this report.

FINANCIAL IMPLICATIONS

There are no up front financial implications for the Council in this application.

**CD19/8112 - REVIEW OF LOCAL PLANNING POLICY 1.4 (LPP 1.4) PROVISION OF
PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**

Currently administrative time of 0.4 FTE is assigned to the implementation of the Policy. Panel fees for Public Art Panel experts are factored into the Operational budget.

Introduction of a discount for cash in lieu payments may see an increase in cash in lieu payments and therefore a larger budget for the City's public art projects.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

It is considered that the proposed modifications to Local Planning Policy 1.4 will enable a consistent approach to implementation of the Policy by the City and Developers in relation to the provision of public art. The proposed modifications will improve its implementation.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose not to adopt the changes outlined in the report and may retain the current approach. However, this is not recommended as it would not reflect current industry practice.

CONCLUSION

Local Planning Policy 1.4 is due for review and changes to the threshold, cash in lieu and industry definitions will mean a clearer document that aligns with industry standards for the provision of public art.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8112)**APPROVAL**

1. **Endorse the revised Local Planning Policy 1.4 for purposes of public consultation for a period of not less than 21 calendar days.**
[8112 LPP 1.4 Public Art with Tracked changes](#)
2. **Where relevant and material adverse submissions received during the public consultation period, the matter be referred to the Council for consideration. In the absence of such submissions the final adoption of the policy be undertaken by the Chief Executive Officer.**

At 10.27pm pm the Mayor submitted the motion, which was declared

CARRIED ENBLOC (12/0)

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Policy and Policy Development Council Administration
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	: M18/5659 – Creation, Access and Retention of Audio Recordings of Meetings of the Council Policy. M15/5458 – Policy Review – Management Services (December 2015) 16.1 Motion – Review of Recording of Meetings Policy – CP-088 (February 2018) M18/5659 - Creation, Access and Retention of Audio Recordings of Meetings of the Council Policy (December 2018)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 20 February 2018, it was resolved that a review be undertaken of CP-088 Recording of Meetings to provide the community with better access to the Council's decision making process.
- The Department of Local Government, Sports and Cultural Industries has undertaken Phase 1 of the Local Government Act Reform process. Phase 1 addresses live streaming of Council meetings and provision of information electronically.
- The current policy has been revised to provide guidance on the creation, access and storage of audio recordings of Council meetings.
- The matter was deferred at the Ordinary Meeting of Council held 11 December 2018, with further written and verbal advice provided on the matter.
- This report recommends that the further revised policy CP-088 Creation, Access and Retention of Audio Recordings of Meeting of the Council be adopted and implemented for commencement from the May 2019 Council meeting schedule.

BACKGROUND

At the Ordinary Meeting of Council held 20 February 2018, the Council resolved the following:

“That the Council directs the Chief Executive Officer to be guided by the Local Government Act, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law, in undertaking a review of the City of Melville Recording of Meeting Policy CP-088:

- 1. That a recording (either web-stream, direct download or both) of the public Council meetings be provided on the City of Melville website from the date of the instigation of the updated policy, excluding certain sections of the meeting eg, items for which the meeting should be closed to the public etc;*
- 2. The cost and technical practicability of provide a live audio stream (and possibly video) of each public Council meeting be investigated with the intent of implementation;*
- 3. That the updated policy includes guidance to the public as to the use of the recordings under the Commonwealth Copyright Act eg. That editing or altering any part of the download or web stream in not permitted;*
- 4. That the City be guided by the Policies of other WA and Australian Councils that provide a similar facility to their residents eg City of Perth, City of Joondalup etc*
- 5. That the Recordings of Meeting Policy CP-088 be extended to all public meetings: Ordinary Meetings of Council, Agenda Briefing Forums, Special Meetings of Council, Electors Annual General Meetings and Special Electors Meetings; and*
- 6. That the draft amended Policy be included in an Elected Members Bulletin for comment to Officers prior to discussion at an Elected Members information Session and subsequent presentation to the May 2018 Ordinary Meeting of Council.”*

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

The revised policy was included on the agenda for the Ordinary Meeting of Council to be held 11 December 2018, with a presentation provided at the associated Agenda Briefing Forum held 27 November 2018.

Following the Agenda Briefing Forum, the Department of Local Government, Sport and Cultural Industries requested copies of any revisions of policy CP- 088 Recording of Meetings. Elected Members were advised of these developments via Advice Note prior to the meeting, with the Council at the 11 December 2018 Ordinary Meeting of Council resolving to defer the matter:

“That item M18/5659 be deferred for discussion at an Elected Member Information Session to be held in February 2019, for presentation at the March 2019 Ordinary Meeting of Council”.

Verbal and written advice was sought from the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

DETAIL

The *Local Government Act 1995* does not currently provide any guidance on the publishing of audio recordings or live streaming of Council meetings. The Department of Local Government, Sport and Cultural Industries Local Government Act Review, Phase 1, which was concluded in March 2018, included “electronic availability of information”. The State Government provided position papers on the priority reforms in August 2018, with the “Public Notice Policy Position” addressing live streaming of Council Meetings, which received significant support. However there were concerns associated with costs and potential defamation. The drafting of the Amendment Bill associated with the priority reforms is currently underway and will address live streaming of Council meetings and the provision of information electronically.

There are significant costs, changes to infrastructure and processes, and resource implications associated with live audio of Council meetings to a reasonable standard, with take up by the community being very limited at this time. It is recommended that this matter be deferred with officers continuing to investigate and gather information on these matters in anticipation of changes to *the Local Government Act 1995* providing guidance on these matters.

During mid-2018, the City engaged the Western Australian Local Government Association (WALGA) to review the City’s formal meeting structure, and whilst the topic of access to audio recordings of Council meetings was not a specific topic for review, it featured in many of the discussions with there being a general aspiration for the current audio recordings of the Council meetings to be published to the website.

Further opportunities were provided for Elected Members to provide input into the elements of a revised policy via a short survey and a presentation at an Elected Member Information Session in October 2018.

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

Following the deferral of the matter at the Ordinary Meeting of Council held 11 December 2018, further advice and clarity was sought from the Department of Local Government, Sporting and Cultural Industries, with verbal advice being that as access to confidential information had been included for comment in the Local Government Act Review – Phase 2 a formal policy position was not being formulated at this time. The principles of access under the current legislation include:

- The CEO has discretion to make the decision
- Evidence on why the information is essential or relevant should be provided
- The Council can make a decision on the matter.

Section 5.68 of the Local Government Act provides for the Council to resolve to allow an Elected Member who has declared a pecuniary interest to be present during any discussion or decision-making procedure, relating to the matter and may allow the disclosing member to participate in the discussion and/or the decision making process. In taking this into consideration, the revised policy has had further wording included to provide the Council with the ability to determine if discussion and debate behind closed doors may be released to Elected Members who were not present, either through an interest or through absence.

As required by the Councils 11 December 2018 resolution, a presentation on this policy was provided to the Elected Member Information Session held 12 February 2019, Elected Members were invited to provide any further comments on the proposed re-wording of the revised policy with regard to access to recordings of meetings behind closed doors. Additionally, the option to cease the recording of meeting proceedings behind closed doors was discussed.

Five responses were received from Elected Members, with the majority expressing support for the revised policy and requesting the inclusion of a clause to provide for the Council to resolve to cease recordings of proceedings behind closed doors.

Written advice was subsequently received from the Western Australian Local Government Association as follows:

- “1. It is a role of a Councillor to participate in the decision-making process at Council and Committee meetings (section 2.10(d))
2. It is a consequence of declaring a pecuniary (financial, indirect or proximity) interest in a matter before Council that a member cannot participate in or be present during the discussion or decision-making procedure relating to the matter (section 5.67)
3. Council may determine to allow an Elected Member that declares an interest under Section 5.67 to participate in the discussion or decision-making process (section 5.68)
4. A person’s right to inspect information under Section 5.94 does not extend to any part of a meeting that was closed to members of the public (Local Government (Administration) Regulations 29(2)).

Section 5.92 of the Act – Access to information by council, committee members – is qualified in that a council member can have access to information if it is relevant to the performance of their functions under the Local Government Act or any other written law. In the context of items 1 to 4 above, Section 5.92 of the Act would not apply to a request from an Elected Member for information relevant to a confidential matter in which they declared a pecuniary interest as the Elected Member was not permitted to perform their role as a Councillor by participating in the decision-making process.”

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

The existing policy CP-088- Recording of Meetings has been significantly revised and added to, to provide clarity around the creation, access and retention of the audio recordings of Council meetings.

The revised Policy:

- Outlines the City's commitment to engaging with its community on the publishing of audio recordings from public meetings, that will provide opportunity for the community to hear how the Council's makes decisions.
- Provides for the audio recording of Agenda Briefing Forums, Ordinary and Special Meetings of Council and General and Special Meetings of Electors.
- Provides guidance on the publishing of audio recordings on the City's website.
- Provides guidance on the access to audio recordings.
- Provides that the recording may cease, by resolution of Council, when a meeting is closed to the public.
- Provides guidance on the storage and retention of audio records.

It should be noted that there is no legislative requirement at this time to record meetings, and this is currently only undertaken for minute-taking purposes.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No comment has been sought from the community.

II. OTHER AGENCIES / CONSULTANTS

A desk top review of practices in other local governments in relation to the publishing of audio recordings of Council meetings has been undertaken with the findings taken into consideration in the development of the revised policy.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* contain specific clauses in relation to the keeping of minutes of Council and Committee meetings. This legislation does not yet cover audio or visual recordings, with the official record of the meeting being the meeting minutes, which requires confirmation by Council resolution, and must be signed by the person presiding at the meeting.

It is anticipated that the forthcoming Local Government Act Reform Amendment Bill will provide further guidance on this matter.

FINANCIAL IMPLICATIONS

Whilst there are no financial implications associated with the implementation of the proposed new policy, there are direct resources and financial implications associated with the management of audio recordings in accordance with the proposed policy.

M19/5670 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of inaccurately assessing the community needs, aspirations and areas of interest through an inequitable and ineffective public question time process.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes are in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency to meet legislative requirements.

POLICY IMPLICATIONS

The revised policy CP088 – Creation, Access and Retention of Audio Recordings of Meeting of the Council supports the aspiration to improve communications mechanisms with the community through improvements to the City's website.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt the proposed new Creation, Access and Retention of Audio Recordings of Meeting of the Council Policy, and the current policy would remain in place, which does not provide for the audio recordings to be published, provides access to the public via the Freedom of Information process and lacks clarity and process around the access to information associated with meeting proceedings behind closed doors.

CONCLUSION

Through the City of Melville Corporate Business Plan (Priority 5), the City is committed to improving the mechanisms it uses to communicate with the community, the implementation of this revised policy supports this aspiration and provides the opportunity to the community to better understand the Council's decision making process through an electronic process.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5670)

APPROVAL

That the Council:

1. **approves the revised Council Policy CP-088 – Creation Access and Retention of Audio Recordings of the Council Meetings Policy for implementation from the May 2019 Agenda Briefing Forum, and**
2. **resolves that the further report associated with video and/or live-streaming of Council meetings be deferred until the Local Government Act Reform Amendment Bill is finalised.**

At 10.27pm the Mayor submitted the motion, which was declared

CARRIED ENBLOC (12/0)

M19/5000 – 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	:	Jeff Clark – Governance and Compliance Advisor

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 23 January 2019 up to and including 20 February 2019 for the Council's noting.

M19/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2096	City of Melville and Mark Florian Holler	Notification 70A for 4 Le Souef Drive, Kardinya. Section 70A lot 339 on plan 14328.	5037580
CS2100	City of Melville and Kishorn Rd Apartments Pty Ltd	Deed of Agreement for the Provision and Maintenance of Community benefit Items and the Transfer of Community Tenancy Lot: Stage 1 Kishorn Rd Apartments.	DA 2015 659
CS2103	City of Melville and RG Lester & Associates	Notification 70A for 808 Canning Highway Applecross.	5014499

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*

M19/5000 – COMMON SEAL REGISTER (REC)

- (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 the contract advised above.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

That the Council notes the actions of His Worship the Mayor and the Acting Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 23 January 2019 up to and including 20 February 2019.

At 10:27pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Budgeting – Review
Customer Index	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item C18/6161 Special Meeting of Council held 26 June 2018 – Consideration and Adoption of the 2018-2019 Budget. Item C18/6156 - Ordinary Meeting of Council held 20 November 2018 – City of Melville Annual Financial Report for 2017-2018
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bruce Taylor Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- A Mid Year Budget Review (the Review) is required to be undertaken in accordance with the *Local Government (Financial Management) Regulations 1996*.
- This report presents the results of the Review for the period 1 July 2018 to 31 December 2018 and highlights significant positive and negative variations that require budget amendment.
- This report recommends that the Council notes the results of the Review, and by absolute majority, approves the recommended budget amendments required to the 2018-2019 Budget as a result of the Review.
- This report also recommends that the 2017-2018 Budget Surplus, as audited, of \$4,503,203 be transferred to the Rates Equalisation Reserve.

BACKGROUND

The City of Melville reviews its actual versus budget position on an ongoing basis and a budget variation listing and budget variance report are submitted to Council in the monthly Statements of Financial Activity Report.

The *Local Government (Financial Management) Regulations 1996* (33A) specify that Local Governments must at the least undertake a formal budget review between 1 January and 31 March each year, have it reviewed and adopted by the Council, and submit the findings to the Department of Local Government, Sport and Cultural Industries. The City of Melville has undertaken the Review within this period based on the financial year to date revenue and expenditure position as at 31 December 2018.

The application of surplus 2017-2018 municipal funds is also addressed in this report.

DETAIL

A review of budgets has been undertaken by Budget Responsible Officers, and then reviewed by the Management Accounting and Executive and Operational Management Teams.

The financial position for the City as at 31 December 2018, that has been amended as presented, will have a positive net budget variance. This is the net result of both positive and negative variances across both operating and capital budgets and funds to be set aside and funds to be used from specific purpose reserve accounts.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

The following table is a summary of the Mid Year Review results, with positive variances shown as \$xxx and negative variances shown as (\$xxx) i.e. in red parentheses:

2017-2018 Closing Funds	\$4,503,203
Net Operating Activities	
Governance	\$78,488
General Purpose Funding	(\$908,829)
Law, Order and Public Safety	\$12,709
Health	(\$4,352)
Education and Welfare	\$1,174
Housing	(\$3,411)
Community Amenities	(\$576,924)
Recreation and Culture	(\$101,348)
Transport	(\$49,520)
Economic Services	\$160,272
Other Property and Services	\$180,166
Net Operating Variance	(\$1,211,575)
Operating Activities Excluded from Budget	
(Profit)/loss on asset disposals	\$33,300
Investing Activities	
Non-operating grants, subsidies and contributions	\$151,492
Disposal of Assets	(\$33,300)
Furniture and Equipment	\$64,110
Plant and Equipment	\$266,200
Land and Buildings	\$1,768,500
Infrastructure Assets	\$230,422
Net Investing Variance	\$2,447,424
Financing Activities	
Net Reserve Fund Transfers	(\$5,540,012)
Net Variance as at 31 December 2018	\$232,340

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: [6164A Mid Year Budget Review Summary Amendments](#).

Whilst the reporting levels adopted by the Council when adopting the 2018-2019 Budget, at its Special Meeting of Council held on 26 June 2018, were 10% or \$50,000 (whichever is greater), some commentary has been provided on variances less than these amounts where considered necessary to gain a full understanding of the net position.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key material findings in the Operating Budget:

Governance - \$78,488 Net Positive Variance

- Members of Council \$16,478 positive variance made up of various non material variances.
- Other Governance \$62,010 positive variance made up of a reduction in professional consultancies of \$70,000, to be applied to help fund the Corporate Services office refurbishment project, and various non material negative net variances to the value of (\$7,990).

General Purpose Funding – (\$908,829) Net Negative Variance

- Reserve interest of \$440,000 positive variance, this will be transferred to Reserves.
- Rates \$220,000 positive variance due to higher than anticipated levels of residential rates being received.
- Federal Assistance Grant (General) (\$1,115,725) negative variance due the advanced payment of part of the grant being received in the 2017-2018 Financial Year. This will be offset by a reduction in Funds to be Set Aside to the Land and Property Reserve.
- Federal Assistance Grant (Roads) (\$536,154) negative variance due to the advanced payment of a part of the grant being received in the 2017-2018 Financial Year. This will be offset by a reduction in Funds to be Set Aside to the Infrastructure Asset Management Reserve.
- Interest – Late Payment Penalty \$57,879 positive variance due to more interest being generated on outstanding rates accounts than anticipated.
- Other non material amounts represented by a \$25,171 positive variance

Law, Order and Public Safety – \$12,709 Net Positive Variance

- Animal Control \$2,000 positive variance made up of various non material amounts.
- Other Public Order, Fire and Safety \$10,709 positive variance made up of various non material amounts.

Health – (\$4,352) Net Negative Variance

- Maternal and Infant Health (\$2,080) negative variance made up of various non material amounts.
- Other Health (\$2,272) negative variance made up of various non material amounts.

Education and Welfare - \$1,174 Net Positive Variance

- Aged and Disabled – Senior Citizens Centres \$2,286 positive variance made up of non material amounts.
- Other Education \$2,682 positive variance made up of non material amounts.
- Other Welfare (\$3,794) negative variance made up of non material amounts.

Housing – (\$3,411) Net Negative Variance

- Other Housing (\$3,411) negative variance made up of non material amounts.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Community Amenities – (\$576,924) Net Negative Variance

- Sanitation – Other (\$719,282) negative variance represented by a \$67,723 net positive increase in refuse collection income and a \$318,181 positive increase grant income for the Better Bins program, relating to the FOGO program rollout, The establishment of budgets totalling \$83,000 for FOGO related marketing and promotional expenditure (this is to be funded by the Refuse Facilities Reserve), and the establishment of budget to the value of \$1,022,186 relating to the initial purchase of additional bins required for the implementation of the FOGO program (this is funded by funds to be used of \$704,005 from the Refuse Bins Reserve and Better Bins Grant funding of \$318,181).
- Sanitation – Household Refuse \$12,128 positive variance made up of non material amounts.
- Urban Stormwater Drainage (\$10,000) negative variance made up of non material amounts.
- Town Planning and Regional Development \$175,000 positive variance represented by a reduction in employee costs of \$200,000 and non material positive variances amount to \$25,000. Expenditure of \$267,000 related to the Carawatha development project will be offset by a recoup of this amount.
- Protection of Environment (\$34,770) negative variance represented by a \$55,860 increase in contractor costs and the balance of \$21,090 made up of various non material net positive variances.

Recreation and Culture – (\$101,348) Net Negative Variance

- Heritage (\$112) negative variance made up of various non material amounts.
- Other Culture (\$16,571) negative variance represented by a \$50,000 decrease in grant income, offset by \$33,429 in various non material net positive amounts.
- Other Recreation and Sport \$9,255 positive variance represented by a \$123,033 increase fee income, offset by a (\$109,497) increase in employee costs, and (\$4,281) in non material net negative amounts.
- Public Halls and Civic Centres \$49 positive variance represented by various non material variances.
- Swimming Areas and Beaches (\$93,970) negative variance represented by a net reduction in Fee income of (\$64,000), partially offset by a \$49,530 reduction in employee costs, and a net negative variance of (\$79,500) in various non material amounts.

Transport – (\$49,520) Net Negative Variance

- Streets, Roads, Bridges and Depot (\$58,826) negative variance represented by a reduction in estimated income from verge bonds of (\$83,000), offset by \$24,174 in various non material net positive variances.
- Water Transport Facilities \$9,306 positive variance represented by various non material net positive amounts.

Economic Services – \$160,272 Net Positive Variance

- Building Control \$250,000 positive variance due to an increase in expected licence fees.
- Economic Development (\$89,728) negative variance represented by a (\$93,578) reduction in lease and rental income, offset by \$3,850 in various non material net positive amounts.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Other Property and Services - \$180,166 Net Positive Variance**

- General Administration Overheads \$278,334 positive variance represented by a decrease of \$119,617 in workers compensation premium refunds (an equivalent amount has been transferred to the Risk Management Reserve), a decrease of \$73,642 in employee costs, a decrease of \$75,000 in contractors expenditure and a net positive variance of \$10,075 made up of various non material amounts.
- Business Unit Operations **(\$67,953)** negative variance represented by a **(\$75,423)** increase in employee costs, the balance of \$7,470 being made of various non material net positive amounts.
- Other non material amounts with a total net negative variance of **(\$30,215)**.

Key material findings in the Capital Budget:

Non-operating grants, subsidies and contributions – \$151,492 Net Positive Variance

- Streets, Roads, Bridges, Depot - \$151,492 positive variance as a result of an increase in the Direct Grant funding (Roads) grant of \$151,492.

Proceeds from disposal of assets – **(\$33,300) Net Negative Variance**

- Plant Operations – **(\$33,300)** negative variance due to changes in the timing of light fleet asset sales.

Purchase of Furniture and Equipment - \$64,110 Net Positive Variance

- Sanitation – Household Refuse - \$24,653 positive variance represented by the reduction in expenditure on 240L mobile garbage bins.
- Streets, Roads, Bridges, Depot - \$39,457 positive variance due to the reduction in expenditure on the Global Positioning System for the City's waste trucks.

Purchase of Plant and Equipment – \$266,200 Net Positive Variance

- Plant Operations - \$266,200 positive variance due to changes in the timing of light and heavy vehicle asset purchases.

Purchase of Land and Buildings – \$1,768,500 Net Positive Variance

- LeisureFit Booragoon \$1,800,000 positive variance represented by a postponement of planned works to the 50 metre swimming pool while a more extensive revision of the scope of swimming pool repairs required is undertaken.
- Corporate Services Office refurbishment **(\$70,000)** negative variance to meet the expected cost of internal layout repairs and modifications in this financial year.
- LeisureFit Booragoon HVAC repair \$150,000 positive variance represented by lower than expected costs in making the existing system functional.
- Civic Centre Fire Water Tank **(\$100,000)** negative variance to meet the cost of replacement of the existing tank.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Purchase of Infrastructure Assets – \$230,422 Net Positive Variance

- Drainage projects \$614,920 positive variance represented as follows;
 - Cunningham Street Carpark \$120,000
 - Waylen Bay \$284,000
 - Rob Campbell Reserve \$278,692
 - Beach Street Side Entry Pit Installation Review (\$56,920) negative variance
 - (\$10,852) negative variance made up of non material items.
- Parks \$90,650 positive variance represented as follows;
 - Playgrounds \$63,288 – (Deep Water Point playspace change in project scope \$53,253 other non material net positive variances of \$10,035)
 - Environmental projects \$27,362 – (made up of various net positive non material variances).
- Streetscapes (\$85,971) negative variance made up of a negative variance for the Heathcote Vision Implementation (\$79,032), and other non material net negative variances of (\$6,939).
- Paths (\$65,825) negative variance made up of negative variances in the Adams Street project (\$63,344), Fraser Road project (\$50,215), and other non material net positive variances of \$47,734.
- Irrigation \$12,677 positive variance made up of a positive variance of \$70,400 for the Point Walter Water Storage Tank replacement project and other non material net negative variances of (\$57,723).
- Roads (\$336,029) negative variance made up as follows;
 - Main Roads Projects \$416,083 - positive variance represented by North Lake Road project \$259,040, Murdoch Drive (A) project \$88,259, Murdoch Drive (B) project \$68,784.
 - Road Resurfacing Projects (\$752,112) - negative variance represented by Murdoch Drive/Hawke Pass Roundabout project (\$90,000), Canning Beach Road project (\$109,474), Aitken Drive project (\$103,976), Stock Road/Zenobia Street Traffic Calming project (\$57,000), and other non material net negative variances of (\$391,662).

A listing of material capital works program adjustments is included in attachment [6164B Significant Capital Works Project Budget Amendments](#). Amendments made to capital projects have a corresponding adjustment to relevant reserves. Therefore, amendments made to capital projects do not have a positive or negative impact on the overall positive net result. The only exception to this is the additional (\$70,000) required for the Corporate Services refurbishment account which was funded by a positive variance in an operating account.

Reserve Accounts

Net Funds Used/Funds Set Aside – (\$5,540,012)

Fleet Services Vehicles, Plant and Equipment Replacement Reserve - (\$232,900)

- Funds to be used (\$232,900) - Represents the change in funding impact of the Net Variance of Proceeds from Disposal of Assets \$33,300 and the Purchase of Plant and Equipment (\$266,200) described earlier in this report.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Commercial Refuse Reserve – (\$67,711)**

- Funds to be set aside (\$67,711) - Represented by the increase in commercial refuse income being received.

Refuse Facilities Reserve –\$31,415

- Funds to be set aside (\$12,128). Represented by the increase in residential refuse income being received.
- Funds to be used \$43,543 - Represents the change in funding impact of the FOGO rollout \$83,000 and reduction of (\$39,457) in funding required for the Global Positioning System on the City's waste trucks.

Risk Management Reserve - (\$119,617)

- Funds to be set aside (\$119,617) - Represented by refunds of workers compensation insurance premiums incurred by the city in previous years, as advised by its insurer.

Community Facilities Reserve – (\$1,850,000)

- Funds to be used (\$1,850,000) - Represented by net reductions in current year spend on reserve funded Building renewal projects in the capital works program.

Infrastructure Asset Management Reserve – \$215,809

- Funds to be set aside \$536,154 – Represented by the reduction in the Federal Assistance Grant (Roads) to be received in 2018-2019 due to the advanced payment received in 2017-2018.
- Funds to be used (\$320,345) - Amendments to both income and expenditure budgets in the Capital works program have resulted in a reduction of required funds to be used.

Land and Property Reserve – \$1,115,725

- Funds to be set aside \$1,115,725 - Represented by the reduction in the Federal Assistance Grant (General) to be received in 2018-2019 due to the advanced payment received in 2017-2018

Future Works Reserve - (\$50,069)

- Funds to be used (\$50,069) - Represented by net reductions in current year spend on reserve funded new and upgrade projects in the capital works program.

Refuse Bins Reserve - \$679,352

- Funds to be used \$679,352 - This represents additional funding required to meet the cost of the FOGO rollout for 2018-2019 of \$704,005, less purpose reduction in funding required for the City's standard 240L Bin Replacement Program.

Special Projects Reserve - \$30,000

- Funds to be used \$30,000 - Represented by an anticipated increase in funding required for Strategic Urban Planning Projects.

Rates Equalisation Reserve – (\$4,758,614)

- Funds to be set aside (\$4,503,203) - Represented by 2017-2018 net closing funds.
- Funds to be used (\$255,411) - Budgeted funding no longer required due to savings achieved across the organisation.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Reserve Interest – (\$440,000)**

- Funds to be Set Aside (\$440,000) - This represents the additional interest earned on reserve accounts, over and above that estimated in the annual budget, transferred to those reserve accounts.

Community Surveillance and Security Reserve – (\$282)

- Funds to be used (\$282) – decrease to reflect impact of a non material increase operating income.

Library, Museum and Arts Equipment and Specialised Fitout Reserve – (\$93,120)

- Funds set aside (\$93,120) - increase to fund an expected shortfall in meeting the Library capital expenditure program.

2017-2018 Closing Funds

The audited annual financial statements for the 2017-2018 financial year reflected a budget surplus of \$4,503,203.

At the Special Meeting of Council held 26 June 2018 - Item C18/6161 – Consideration and Adoption of the 2018-2019 Budget, the Council resolved –

That the Council note that an estimated Municipal Fund 30 June 2018 closing funds amount of \$nil has been used as an opening position in the 2018-2019 budget and that the final net closing funds amount will be determined following receipt of the 2017- 2018 audited financial statements and approves the transfer of any net closing funds for the completed 2017-2018 financial year being transferred to the Rates Equalisation Reserve account.

At the Ordinary Meeting of Council held 20 November 2018 – City of Melville Annual Financial Report for 2017-2018, the 2017-2018 net closing funds of \$4,503,203 were reported.

Officers recommend that the surplus funds of \$4,503,203 be allocated to the Rates Equalisation Reserve in accordance with the above resolution, and the intended purpose of the reserve, to offset future rate rises.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not Applicable

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS****33A. Review of budget**

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances and Reserve Funds adjustments, the mid year Budget Review has identified an overall net positive budget variance of \$232,340.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

After taking into account the various positive and negative variances and Reserve Funds adjustments, the mid year Budget Review has identified a positive budget variance of \$232,340.

POLICY IMPLICATIONS

The Review has been conducted in accordance with the Accounting Policy CP-025 using the Programme and Sub Programme categories.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

After considering the review the Council is to determine whether or not to adopt the review, any parts of the review, or any recommendations in the review.

CONCLUSION

The Budget Review has identified a number of programs requiring budget amendments. Overall the net positive impact of the 2018-2019 Budget Review is \$232,340.

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6164)
ABSOLUTE MAJORITY APPROVAL

At 10:25pm Cr Phelan moved, seconded Cr Barling –

That the Council:

1. **Notes the 2018-2019 Mid Year Budget Review and attachments**
6164A Mid Year Budget Review Summary Amendments and
6164B Significant Capital Works Project Budget Amendments
2. **By Absolute Majority decision adopts the budget review with the following amendments to be made to the Rate Setting Statement adopted in the 2018-2019 Annual Budget;**

2017-2018 Closing Funds	\$4,503,203
Operating Revenue	
Governance	\$3,311
General Purpose Funding	(\$925,829)
Law, Order and Public Safety	\$10,709
Health	(\$10,000)
Education and Welfare	\$2,682
Housing	(\$2,011)
Community Amenities	\$673,122
Recreation and Culture	\$21,582
Transport	(\$89,115)
Economic Services	\$159,422
Other Property and Services	\$87,727
Net Operating Revenue	(\$68,399)
Operating Expenditure	
Governance	\$75,177
General Purpose Funding	\$17,000
Law, Order and Public Safety	\$2,000
Health	\$5,648
Education and Welfare	(\$1,508)
Housing	(\$1,400)
Community Amenities	(\$1,250,046)
Recreation and Culture	(\$122,930)
Transport	\$39,595
Economic Services	\$850
Other Property and Services	\$92,439
Net Operating Expenditure	(\$1,143,176)
Net Operating Variance	(\$1,211,575)

C19/6164 - 2018-2019 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Operating Activities Excluded from Budget	
(Profit)/Loss on asset disposals	\$33,300
Investing Activities	
Non-operating grants, subsidies and contributions	\$151,492
Disposal of Assets	(\$33,300)
Furniture and Equipment	\$64,110
Plant and Equipment	\$266,200
Land and Buildings	\$1,768,500
Infrastructure Assets	\$230,422
Net Investing Variance	\$2,447,424
Net Reserve Fund Transfers	(\$5,540,012)
Net Variance as at 31 December 2018	\$232,340

At 10:25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 January 2019 for the Council's information and noting.

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)

BACKGROUND

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

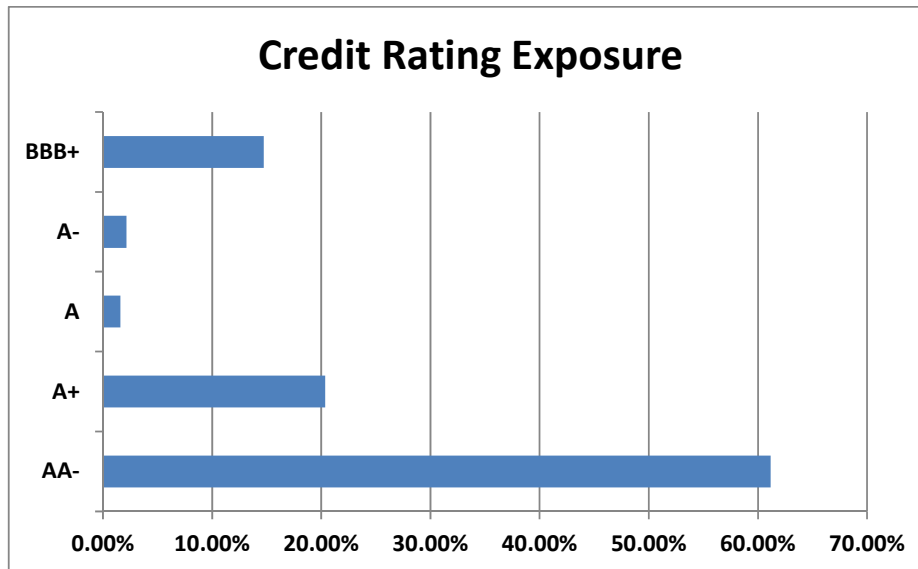
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 31 January 2019 are shown in the tables below. The following statements detail the investments held by the City as at 31 January 2019.

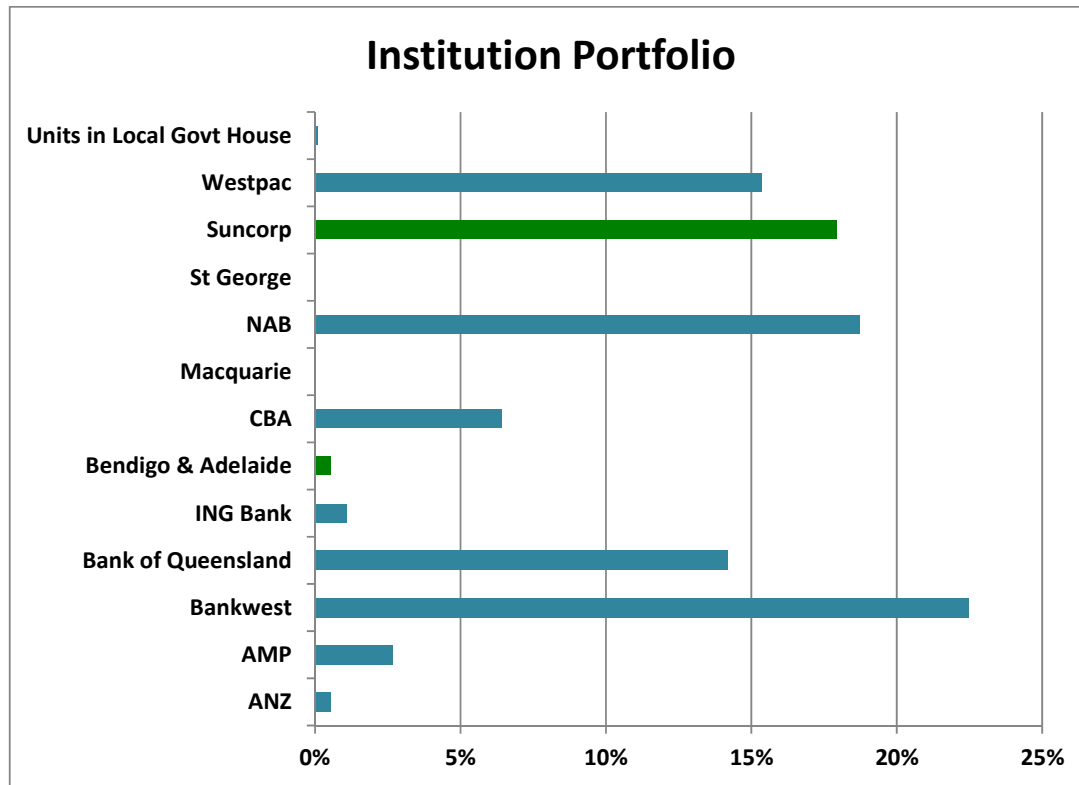
CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 JANUARY 2019	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 39,496,833
RESERVE	\$ 146,094,928
TRUST	\$ 1,074,121
CITIZEN RELIEF	\$ 218,371
	\$ 186,884,254
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 2,091,560
31DAYS AT CALL	\$ 2,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 172,017,523
UNITS (Local Govt Hse)	\$ 175,171
	\$ 186,884,254
SUMMARY BY CREDIT RATING	AMOUNT \$
AA-	\$ 114,209,083
A+	\$ 38,000,000
A	\$ 3,000,000
A-	\$ 4,000,000
BBB+	\$ 27,500,000
UNITS (Local Govt Hse)	\$ 175,171
	\$ 186,884,254

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS								
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,000,000	0.54%	0.54%	30%	No	
AMP BANK (TERM)	TERM	A	5,000,000	2.68%	2.68%	25%	No	
BANKWEST (TERM)	TERM	AA-	42,000,000	22.47%	22.47%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	26,500,000	14.18%	14.18%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000	0.54%	0.54%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	12,000,000	6.42%	6.42%	30%	No	
ING BANK (TERM)	TERM	A-	2,000,000	1.07%				
ING BANK (FRTD)	FRTD	A-	-	0.00%	1.07%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-	0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	35,017,523	18.74%	18.74%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-	0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	33,500,000	17.93%	17.93%	25%	Yes	33,500,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	0	0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-	0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	2,091,560	1.12%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	2,000,000	1.07%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000	1.07%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000	4.60%				
WESTPAC (TERM)	TERM	AA-	14,000,000	7.49%	15.35%	30%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	175,171	0.09%	0.09%		N/A	
			186,884,254	100%	100%			34,500,000
Total Non Fossil Fuel Lending ADI								18%

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)



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

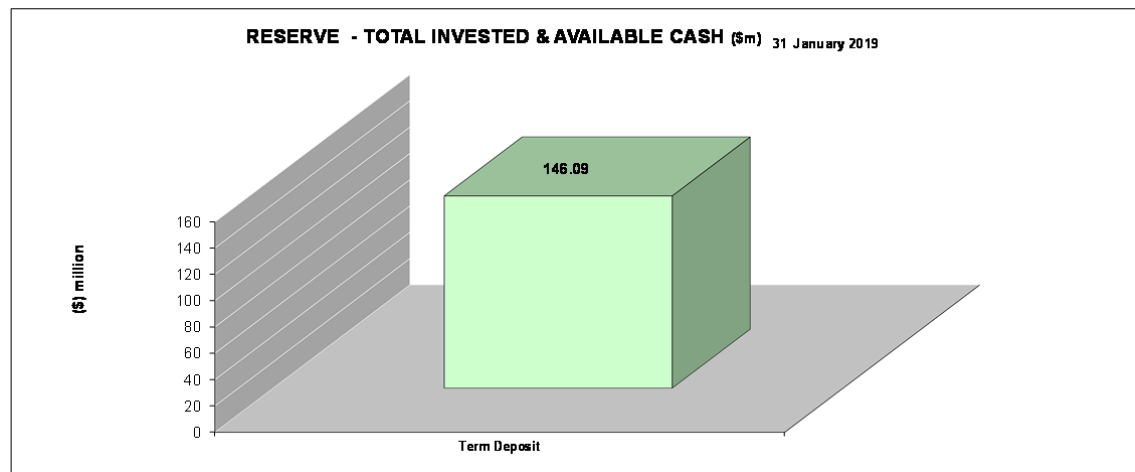
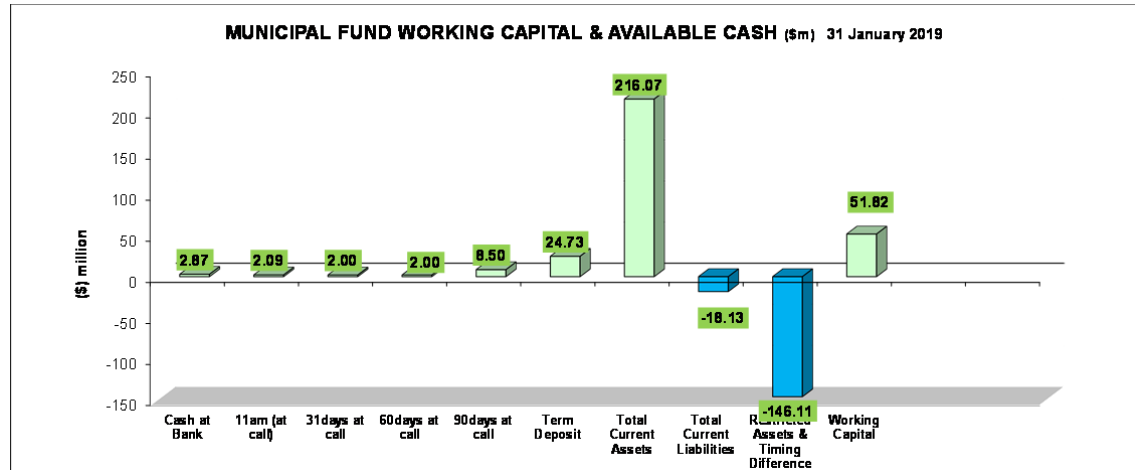
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 January 2019 was \$34,500,000 or 18% of total investment holdings being in non-fossil fuels institutions. This compared to \$36,000,000 (19%) in December 2018. The amount of investment holdings in non-fossil fuels institutions decreased from December as did the total percentage of the holding. The total investment holding for January was \$186,884,254 down slightly from the \$187,881,380 invested in December.

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)

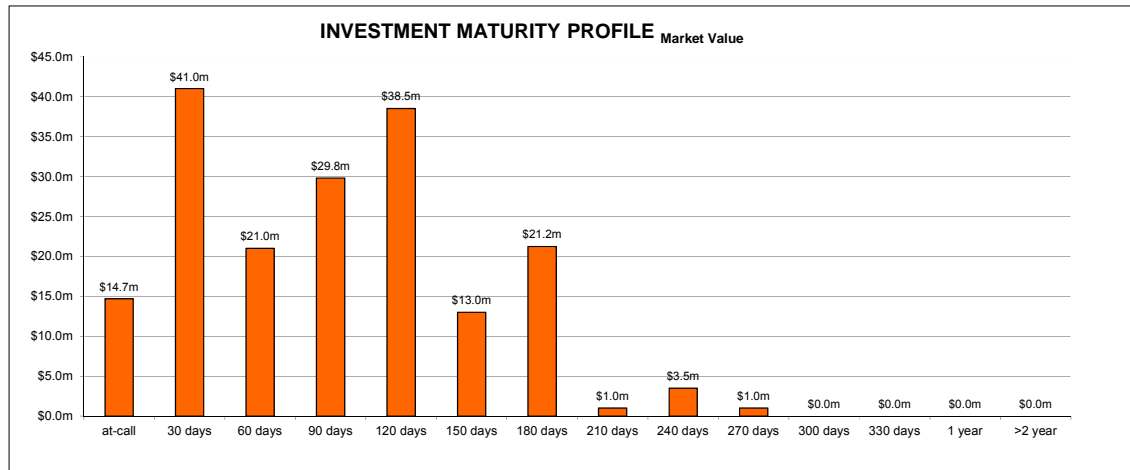
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 31 January 2019.



C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 January 2019.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

Effective from 13 May 2017 the *Local Government (Financial Management) Regulations 1996* were amended (regulation 19C) to allow local governments to deposit funds for a fixed term of three years or less. The regulation previously only allowed for deposits of 12 months or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)

FINANCIAL IMPLICATIONS

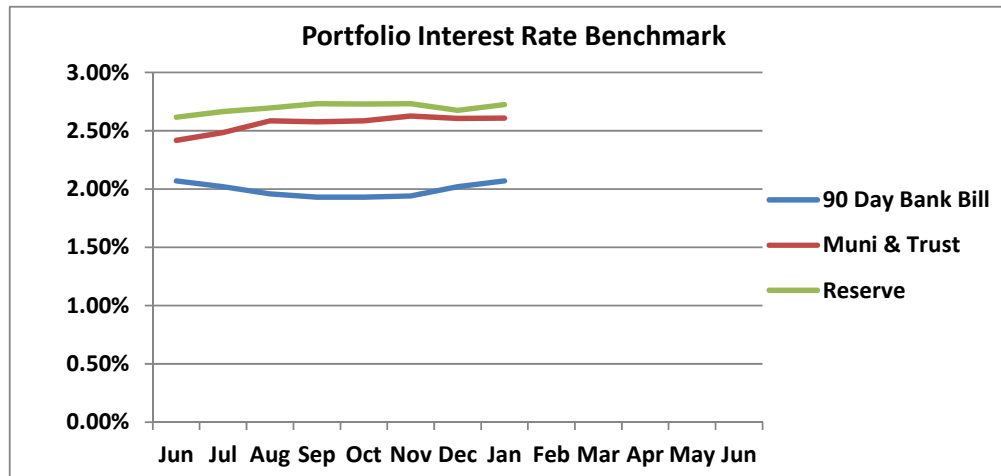
For the period ending 31 January 2019:

- Investment earnings on Municipal and Trust Funds were \$511,564 against a year to date budget of \$517,079 representing a \$5,515 negative variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 January 2019 was 2.61% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.

- Investment earnings on Reserve accounts were \$2,440,873 against a year to date budget of \$1,493,333 representing a \$947,540 positive variance.

The weighted average interest rate for Reserve account investments as at 31 January 2019 was 2.73% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C19/6000 - INVESTMENT STATEMENTS FOR JANUARY 2019 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 2.61% to 2.73% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.

18% 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 19% in December 2018.

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

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

That the Council notes the Investment Report for the period ending 31 January 2019.

At 10.27pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of January 2019 and recommends that the Schedule of Accounts Paid be noted.

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

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for January including Payment Registers numbers, Cheques 695 - 698 and Electronic Funds Transfers batches 549 - 554 Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 March 2019. Payments for the period totalled \$10,800,710.92 for the Municipal Fund and \$284,334.05 for the Trust Fund whilst new investment transactions totalled \$9,500,000.00. Details of the payments are shown in attachment [6001 January 2019](#).

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

Supplier Number	Supplier Name	Description of Supply	Amount
15719	Advanteering Civil Engineers	Deep Water Point and Point Walter boat ramp upgrade progress claims	\$290,982.10
16015	Aquatic Services WA Pty Ltd	Plant replacement at LeisureFit Booragoon	\$66,388.96
14313	Asphaltech Pty Ltd	Road resurfacing	\$350,515.85
14964	AWB Building Co Pty Ltd	Service and repairs of fire systems at various locations	\$46,365.54
14724	Axiis Contracting Pty Ltd	Concrete footpaths	\$199,626.36
12452	Beaurepaires (Myaree)	Tyre renewal and repair	\$27,092.29
10137	Bucher Municipal Pty Ltd	Repairs to rear loader and various parts for light plant	\$37,110.16
10004	Building & Construction Industrial Training Fund	Regulatory fees and government charges - BCITF for December 2018	\$165,241.60
99995	Building Commission	Regulatory fees and government charges - BSL for December 2018	\$119,092.45
10442	Christou Design Group Pty Ltd	Architectural and design services	\$40,425.00
10056	City of Cockburn	Commercial waste tip fees for December 2018	\$76,846.93
13935	Contraflow Pty Ltd	Traffic control services	\$38,329.41
12131	Data#3 Limited	IT software licensing and maintenance	\$61,153.38
14051	Department of Fire & Emergency Services	FESA payment for December 2018	\$753,165.13
16541	Donovan Payne Architects	Architectural and design services	\$57,068.00

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

Supplier Number	Supplier Name	Description of Supply	Amount
11380	EMSO Maintenance	Building construction materials and services	\$118,032.45
10235	Exteria	Outdoor furniture, shades and exercise equipment	\$38,688.10
16433	Facilities First Australia	Cleaning services	\$30,455.10
10385	Flexi Staff	Temporary labour hire	\$45,837.01
14473	Forrest Hills Spraying Services	Weed control at various reserves	\$58,806.00
16525	Four Landscape Studio Pty Ltd	Landscape design and architecture services	\$26,163.45
16223	Holton Connor Architects & Planners	Architectural and design services	\$37,461.05
10501	Hydroquip Pumps & Irrigation	Irrigation and watering systems	\$34,542.20
10490	LGIS WA	Insurance premiums	\$54,326.80
15475	Lochness Landscape Services	Landscaping services and supplies	\$32,666.36
11343	M P Rogers & Associates Pty Ltd	Engineering consulting services	\$28,170.99
16439	Maintenance & Construction Services (Australia) Pty Ltd	Building construction materials and services for LeisureFit Melville and AH Bracks Library refurbishment	\$374,374.71
14228	Mastec Australia Pty Ltd	Supply of waste bins	\$672,497.38
14259	Moduplay Group Pty Ltd	Playground equipment and maintenance	\$35,442.00
14477	Nature Play Solutions Pty Ltd	Landscape design and architecture services	\$25,506.83
15417	OCE Corporate	Cleaning services	\$48,746.88
13563	Pearmans Electrical & Mechanical Services Pty Ltd	Electrical and lighting maintenance supplies and services	\$124,922.75
16535	Precise Air Group Pty Ltd	Air conditioning maintenance and services	\$39,932.09
12203	Southern Metropolitan Regional Council	MSW, MRF and green waste gate fees for December, MSW gate fees for January and RRRC loan repayment	\$1,209,433.83
11008	South West Group	2018-2019 Member Council contribution second instalment	\$51,841.50
16605	Synergy	Electricity charges	\$365,558.05
17037	Tree Care WA Pty Ltd	Street tree pruning	\$63,898.40
14271	Tree Planting & Watering	Street tree watering	\$103,825.82
12334	Water Corporation	Water charges	\$53,458.04
10674	West Coast Turf	Supply and installation of turf at Deep Water Point	\$33,613.80

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

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 09/01/2019 & 23/01/2019	Payment of salaries and wages to City employees net of tax and deduction for pays 14 and 15.	\$2,168,407.76
Australian Taxation Office	Direct Bank Transfers 09/01/2019 & 23/01/2019	Pay as You-Go taxation and other deductions from employee payroll for pays 14 and 15	\$697,624.00
Creditors and Advances	Direct Bank Transfers 09/01/2019 & 23/01/2019	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 14 and 15	\$548,495.75
Total			\$3,414,527.51

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

**C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2019 (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$10,800,710.92 for the Municipal Fund and \$284,334.05 for the Trust Fund whilst new investment transactions totalled \$9,500,000.00.

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

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

That the Council notes the Schedule of Accounts paid for the period of January 2019 as approved by the Acting Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 January 2019](#)

At 10.27pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 January 2019 and recommends that they be noted by the Council.
- The variances for the month of January 2019 and recommends that they be noted by the Council.
- The Budget amendments required for the month of January 2019 and recommends that they be adopted by Absolute Majority decision of the Council.

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2019 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 January 2019 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

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

Variances

EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE \$50,000 for the Period 1 July 2018 to 31 January 2019							
	January Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	421,245	6,600,360	7,632,125	1,031,765	16%	10,568,752	10,568,752
Community Amenities	905,037	3,257,505	3,472,535	215,030	7%	3,338,109	3,884,833
Transport	183,942	833,439	912,410	78,970	-1%	1,585,458	1,585,458
Economic Services	429,877	2,076,712	2,423,815	347,103	17%	2,762,888	2,762,888
Other Property and Services	12,819	797,097	204,507	(592,590)	-74%	334,849	774,756
	2,757,166	21,526,574	22,688,020	1,161,446		30,082,837	31,069,468
Expenditure from operating activities							
Governance	(299,800)	(3,032,036)	(2,658,035)	374,001	-12%	(5,612,027)	(6,029,121)
Law, Order, Public Safety	(299,666)	(2,522,489)	(2,285,630)	236,859	-9%	(4,259,141)	(4,269,396)
Education & Welfare	(214,702)	(1,755,996)	(1,600,664)	155,332	-9%	(2,819,942)	(2,935,196)
Community Amenities	(2,310,249)	(15,404,623)	(14,872,000)	532,622	-3%	(25,607,458)	(26,496,766)
Recreation and Culture	(2,532,471)	(20,040,033)	(19,214,554)	825,479	-4%	(31,042,439)	(33,236,122)
Transport	(1,525,868)	(10,347,671)	(9,932,215)	415,456	-4%	(18,503,353)	(18,177,258)
Economic Services	(239,624)	(1,434,946)	(1,556,720)	(121,773)	8%	(2,316,255)	(2,426,255)
Other Property and Services	(1,065,466)	(6,862,603)	(6,457,328)	405,276	-6%	(9,865,826)	(11,518,945)
	(8,616,076)	(64,007,141)	(61,101,339)	2,905,802		(108,727,124)	(113,806,785)
Investing Activities							
Non-operating grants, subsidies and contributions	0	1,798,454	1,696,125	(102,329)		4,963,126	6,134,146
Proceeds from Disposal of Assets	39,639	556,607	470,537	(86,070)	-15%	784,650	1,224,557
Purchase of Furniture & Equipment	(40,218)	(1,540,736)	(1,136,494)	404,242	-26%	(1,863,602)	(3,024,769)
Purchase of Plant & Equipment	(13,749)	(1,105,922)	(759,063)	346,859	-31%	(2,171,707)	(3,276,507)
Purchase of Land & Buildings	(651,443)	(5,264,406)	(3,280,767)	1,983,640	-38%	(11,831,681)	(29,179,483)
Purchase of Infrastructure Assets	(1,330,485)	(12,552,915)	(10,529,796)	2,023,119	-16%	(23,494,859)	(32,051,020)
	(1,996,256)	(18,108,918)	(13,539,456)	4,569,461		(33,614,073)	(60,173,076)

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

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

Revenue

\$87.71 million in Rates was raised as at 31 January 2019 compared to a year to date budget of \$86.24 million. There is a variance of \$1.47 million compared to the Rate Setting Statement due to an adjustment for prepaid rates of \$1.1 million. This is an accounting treatment and will be adjusted at year end. There is a positive variance of \$375,500 (0.43%), excluding the prepayments, when compared to year to date actual.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for January 2019.

Budget Amendments

Details of Budget Amendments requested for the month of January 2019 are shown in attachment [6002J January 2019](#). Highlighted is one budget amendment journal greater than \$50,000 that was processed in January 2019:

- \$546,724 – Creation of budget for grant funding received from Department of Industry, Innovation and Science as a share of the Smart Cities and Suburbs program.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$6,935,436 were collected over the course of the month. Rates collection progress for the month of January is 0.9% below the target of 83%. This represents a dollar value of \$842,212. As at 31 January 82.1% of the 2018-2019 rates, including prior year arrears had been collected compared with 82.2% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 83.4%.

Total sundry debtor balances increased by \$580,371 over the course of the month from \$571,225 (including debtor overpayment of \$4,975) to \$1,151,596 (including debtor overpayment of \$6,433). The 90+ day's debtor balance increased by \$23,092 from \$300,698 to \$323,790.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of January 2019.

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

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

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

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:

**C19/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2019 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

(b) budget estimates to the end of the month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

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

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

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

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

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

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 January 2019.

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

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

At 10:25pm Cr Barling moved, seconded Cr Woodall –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 January 2019 as detailed in the following attachments:**

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

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for January 2019 [6002J January 2019](#).**

At 10:25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

C19/5674 – RECRUITMENT OF THE DIRECTOR CORPORATE SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)

Ward	:	All
Category	:	Administration
Subject Index	:	Recruitment
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Dean McAuliffe Employee Services Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**C19/5674 - RECRUITMENT OF THE DIRECTOR CORPORATE SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- Confirmation that the selection process for the Director Corporate Services complies with legislative requirements.
- The Council to accept or reject the Chief Executive Officer's recommendation for the role of Director Corporate Services.

BACKGROUND

The role of Director Corporate Services became vacant in November 2018 upon the appointment of the incumbent to the position of Chief Executive Officer.

The recruitment process has been conducted by the City's People Services Team in the same manner as was conducted for the appointment of the Director Technical Services.

A Confidential Recruitment Report was distributed to Elected Members, under confidential cover (Confidential Attachment A) prior to the Council Meeting of 19 March 2019.

DETAIL

To ensure corporate success, enhancement of business processes and excellence in financial management the Director Corporate Services role will focus on management and leadership of the Corporate Services Directorate and developing cross functional approaches with the Executive Management Team. Key responsibilities will be Finance, Fleet and Information, Communication and Technology Services.

The role of Director Corporate Services was advertised in Seek and on the City of Melville internet and intranet sites, with applications closing 07 December 2018.

A total of 52 applications were received and shortlisted. Interviews with a Recruitment Panel were then held with five Applicants.

The Recruitment Panel included the Chief Executive Officer, the Director Community Development, Director Technical Services and Employee Services Coordinator.

The Recruitment Panel discussed each interviewed applicant, rated their response to each interview question, and assessed whether or not they met the applicable selection criteria. Following the conclusion of interviews it was the determination of the Panel to re-advertise the position.

The role of Director Corporate Services was readvertised in Seek and on the City of Melville internet and intranet sites, with applications closing 08 February 2019. A remuneration package of up to \$265,659 per annum was advertised.

A total of 32 applications were received and shortlisted. Interviews were then held with two Applicants by the same Recruitment Panel, followed by completion of due diligence checks of the preferred applicant by the Employee Services Coordinator.

**C19/5674 - RECRUITMENT OF THE DIRECTOR CORPORATE SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)**

The Panel's selection report is a confidential attachment and provides details on the recommended applicant.

As the position is a designated Senior Officer position, the *Local Government Act 1995* requires that *"the CEO is to inform the council for each proposal to employ a senior employee and that the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so."*

Public announcement of the Applicant will occur following finalisation of the contract.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40);
- *Equal Opportunity Act 1984*;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Operational Policy OP-003).
- Council Policy CP-026 – Employee Appointments

The role of Director Corporate Services is deemed under our Organisational Policy to be a Senior Employee as required by the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that *"The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so."*

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the amount advertised.

**C19/5674 - RECRUITMENT OF THE DIRECTOR CORPORATE SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant	Medium level of risk	Broad advertisement of vacancy. Compliance with standard organisational recruitment processes.

POLICY IMPLICATIONS

Council Policy CP-026 – Employee Appointments

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

To finalise the recruitment process the Council must formally accept the Chief Executive Officer's recommendation for the role of Director Corporate Services. It is again noted that the Council can reject the Chief Executive Officer's recommendation, provided reasons for rejection are detailed.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5674) APPROVAL

That the Council accept the recommendation for the preferred Applicant as contained in Confidential Attachment A for appointment to the position of Director Corporate Services, in accordance with contract conditions agreed to by the Chief Executive Officer.

That this information remain confidential until the contract documents are finalised.

At 10.27pm the Mayor submitted the motion, which was declared

CARRIED ENBLOC (12/0)

15. EN BLOC ITEMS

At 10:27pm Cr Phelan moved, seconded Cr Barling –

That the recommendations for items M19/5666, CD19/8112, M19/5670, M19/5000, C19/6000 C19/5674 and C19/6001 be carried En Bloc.

At 10:27pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Motion with Notice Removal of “Melville Fact Check” webpage

At 10:27pm Cr Kepert moved, seconded Cr Pazolli –

The Council directs the CEO to remove the webpage “Melville Fact Check” and associated links from the City of Melville’s website.

At 10:46pm the Mayor submitted the motion, which was declared

LOST (3/9)

Vote Result Summary	
Yes	3
No	9

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Barling	No
Cr Macphail	No
Cr Mair	No
Cr Phelan	No
Cr Robins	No
Cr Wheatland	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

16. *Motions of Which Previous Notice Has Been Given, continued*

16.2 Motion with Notice - Amendment to Street Numbering Policy CP-068

At 10:47pm Cr Kepert moved, seconded Cr Pazolli –

The Council directs the CEO to investigate an amendment to Street Numbering Policy CP – 068 regarding allocation of street numbers for new properties that arise from the subdivision of corner lots. The amendment is to include diagrammatical explanations of new street numbering allocations that arise from the subdivision of corner lots. Amendments to the policy are to be presented in a report to Council for final approval.

At 10:54pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

During debate, minor amendments to the motion were agreed by the mover and seconder.

Reasons:

The existing Street Numbering policy CP – 068 lacks clarity regarding the allocation of street numbers for new properties that exist from the subdivision of corner lots.

The existing policy displays diagrammatical examples of new street numbering for new properties from subdivision for side-by-side and battleaxe subdivisions, but not for corner lots.

This caused confusion in a recent corner lot subdivision for a homebuyer who purchased a portion of an existing lot with an address on one street to discover they would now be the resident of a side street. This recent event also highlighted how the new numbering on a side street can create the problem of non-sequential numbering of addresses.

An amendment is necessary to ensure there is uniformity for such subdivisions in the City of Melville. This is also important given the perceived and realised value of some street addresses over others in the City of Melville.

16. *Motions of Which Previous Notice Has Been Given, continued*

16.3 Motion With Notice – Improving Accountability and Transparency

At 10:54pm Cr Woodall moved, seconded Cr Barling –

That the Council:

- 1) **Notes its request in May 2018 for the Chief Executive Officer to arrange for the creation of an online Governance and Accountability page on the City of Melville's website;**
- 2) **Directs the Chief Executive Officer to arrange for the Governance and Accountability page to include, commencing July 2019:**
 - a. **a register of Elected Member Allowances and Reimbursements, to be updated annually, outlining and categorising all allowances and reimbursements provided to the Elected Members; and**
 - b. **a register of Travel outside the Perth Metropolitan Area undertaken by Elected Members, to be updated annually, outlining the name of the relevant Elected Member and the dates, location, cost and purpose of the travel.**
- 3) **Requests the Chief Executive Officer to consider including on the Governance and Accountability page, commencing July 2019:**
 - a. **a register of Senior Officers (being the CEO, Directors and senior Managers), their primary function, the applicable salary scales, and details of any other allowances or benefits paid or payable; and**
 - b. **a register of Travel Undertaken by Senior Officers, updated annually, outlining the name of the relevant Senior Officer and the dates, location, cost and purpose of the travel.**

At 11:02pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Barling	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No

16. *Motions of Which Previous Notice Has Been Given, continued*

Reasons:

1. It is important that the motion of May 2018 be implemented given its strong endorsement by the Council and the benefits it will provide to governance and accountability.
2. Incorporating details of all allowances and reimbursements paid to Elected Members in an online register will provide the community with easy access to this information and ensure that Elected Members remain accountable. It is also in line with State and Federal Parliamentary practice.
3. Creating a register of travel is also in line with State and Federal Parliamentary practice and is likely to reduce the risk of travel being undertaken excessively or for inappropriate purposes. It will provide an additional level of scrutiny by the media and the community and hopefully ensure appropriate conduct by Elected Members.
4. The CEO is requested to consider whether these registers should also be extended to Senior Officers, given their seniority and leadership of the organisation/departments. If privacy concerns are an issue, then the CEO may wish to consider providing anonymised information instead.

16. *Motions of Which Previous Notice Has Been Given, continued*

16.4 Motion with Notice – Request for Minister for Local Government to Include the Public and Elected Councillors in the Local Government Act Reference Group

At 11:04pm Cr Kepert moved, seconded Cr Pazolli –

1. The City of Melville notes that the composition of the current policy reference group for the reform of the Local Government Act 1995 excludes the public and elected Councillors.
2. Requests that the Minister for Local Government allow Councillors not nominated by WALGA and members of the public to become involved in the process.
3. When the current process is finalised and legislation drafted, that it be referred to a Parliamentary Committee to allow public hearings and input into the proposed Act.

Procedural Motion

At 11:23pm Cr Barton moved, seconded Cr Wheatland -

That the motion be put

At 11.23pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

Vote Result Summary	
Yes	10
No	2

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barling	No
Cr Macphail	No

At 11:10pm Cr Barling left the meeting and returned at 11:13pm.

16. *Motions of Which Previous Notice Has Been Given, continued*

COUNCIL RESOLUTION

At 11:04pm Cr Kepert moved, seconded Cr Pazolli –

1. **The City of Melville notes that the composition of the current policy reference group for the reform of the Local Government Act 1995 excludes the public and elected Councillors.**
2. **Requests that the Minister for Local Government allow Councillors not nominated by WALGA and members of the public to become involved in the process.**
3. **When the current process is finalised and legislation drafted, that it be referred to a Parliamentary Committee to allow public hearings and input into the proposed Act.**

At 11:26pm the Mayor submitted the motion, which was declared

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Wieland	No
Mayor	No

Reasons

The Local Government Act is currently in a period of review.

At present, the Local Government Review Reference Group has no public representation, which includes any representation by elected Councillors.

The Local Government Review Reference Group includes representatives from:

- The Department of Local Government, Sport and Cultural Industries
- Western Australian Local Government Association
- Local Government Professionals (WA)
- WA Rangers Association
- Australian Services Union
- Regional Chamber of Commerce and Industry
- Office of the Minister for Local Government

It is vital that the Local Government Act review have some kind of representation from the public, ideally by Elected Councillors not selected by WALGA, to ensure it serves the interests of the public, its fundamental purpose.

16. *Motions of Which Previous Notice Has Been Given, continued*

At 11:26pm Cr Kepert withdrew four motions with notice associated with:

- Cr Kepert - Amendment to Minutes 19 February 2019 pg 121
- Cr Kepert – Amendment to Minutes 19 February 2019 pg 29
- Cr Kepert – Amendment to Minutes 19 February 2019 Inclusion of Declaration Statement
- Cr Kepert – Amendment to Minutes 6 March 2019 amendment to Deputation

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 11:27pm.