

AGENDA

FOR THE

ORDINARY MEETING OF THE COUNCIL

TUESDAY, 20 JULY 2021

COMMENCING AT 6.30PM

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

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

Use this link to attend electronically, [Register for the Ordinary Meeting of Council 20 July 2021](#)

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

DISCLAIMER

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

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

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

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au in accordance with the provisions of the Policy.

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NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held electronically in accordance with Regulation 14D(2)(a) of the *Local Government (Administration) Regulations 1996* on Tuesday, 20 July 2021 commencing at 6.30pm.

The business paper for the Meeting is scheduled below and your attendance is requested.

Christine Young
A/Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

The Presiding Member will cause the Acknowledgement of Country to be read aloud by an Elected Member.

The Presiding Member will bring to the attention of the meeting Disclaimer.

The Presiding Member will bring to the attention of the meeting the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

3. IN ATTENDANCE

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES****4.2 APPROVED LEAVE OF ABSENCE****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.****5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.****6. QUESTION TIME****7. AWARDS AND PRESENTATIONS****8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 15 JUNE 2021**
Minutes 15 June 2021**RECOMMENDATION****That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15 June 2021 be confirmed as a true and accurate record.****8.2 NOTES OF AGENDA BRIEFING FORUM – 13 JULY 2021**
(Notes of the Agenda Briefing Forum will be available on Friday, 16 July 2021)**RECOMMENDATION****That the Notes of Agenda Briefing Forum held on Tuesday, 13 July 2021, be received.****8.3 SPECIAL MEETING OF THE COUNCIL – 8 JUNE 2021**
Minutes 8 June 2021**RECOMMENDATION****That the Minutes of the Special Meeting of the Council held on Tuesday, 8 June 2021 be confirmed as a true and accurate record.**

9. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

9.1 FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required, in addition to declaring any financial interest, to declare any interest arising from the City of Melville Code of Conduct, that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making processes.

10. DEPUTATIONS

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

13. PETITIONS

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Local Planning Policy 3.1 Residential Development
Applicant	:	Not applicable
Owner	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P11/3248 Final Adoption Urban Planning Policies – Residential Development Policy – 20 September 2011 Item P13/3438 Amendment to Council Policy 078 Residential Development 19 November 2013 Item P16/3718 - Review of Planning Policies – 20 September 2016 Ordinary Meeting of Council. Item P16/3728 Review of Council Policy CP-078 – 15 November 2016 Ordinary Meeting of Council.
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- In May 2020, the Western Australian Planning Commission began a review of Volume 1 State Planning Policy 7.3 Residential Design Codes (the R-Codes).
- The review was initiated as part of the State Government's planning reform agenda and in response to the COVID-19 Pandemic. The focus of the interim review was to remove the need for development approval where there was little to no value add, simplifying planning provisions and addressing common design issues.
- The key amendments to the R-Codes include;
 - Some simplification of the boundary setback requirements;
 - The inclusion of additional design requirements for carports, ancillary dwellings and front fencing;
 - Additional landscaping requirements including the need to provide a minimum number of trees and a tree planning area.
- The provisions of the R-Codes allow local government to prepare local planning policies which amend the deemed to comply provisions of the R-Codes.
- Local Planning Policy LPP 3.1 (LPP3.1) provides amendments to the R-Code deemed to comply provisions as they apply to the City of Melville. This LPP now requires amendment to reflect the changes to the R-Codes. These changes are largely administrative and do not change the overall objectives or scope of the Policy. The proposed changes to LPP 3.1 also result in a need to amend LPP 1.17 Additional Development Exemptions.
- The changes are minor in nature and as such it is recommended that they are adopted without advertising as permitted by the Planning and Development (Local Planning Schemes) Regulations 2015. A notice to advise the public of the changes to the local planning policies will be published in the local newspaper and on the City's website.

BACKGROUND

The City of Melville has maintained a Residential Development policy in its current format since 2011 and has reviewed this periodically in response to changes to the planning framework, including the R-Codes. The policy modifies a number of the deemed to comply provisions of the R-Codes to ensure that development is of a high quality, taking into account the character and amenity of residential areas, and those specific to certain aspects of residential development in the City of Melville.

During 2020 in response to the state of emergency brought about by COVID-19, the State Government initiated a range of planning reform measures aimed at stimulating the economy by making it easier for people to make minor changes to their homes or businesses.

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

As a part of this planning reform, an interim review of the R-Codes has been undertaken and the update version of the R-Codes will be gazetted on 2 July 2021. The focus of this review was:

- 1. Addressing provisions that commonly trigger development applications for single houses and additions to single houses, where there is little or no value in undertaking this additional layer of assessment;*
- 2. Simplifying provisions to enable more consistent interpretation and streamlined assessment;*
- 3. Amending provisions to address common design and development issues that have led to some local governments adopting supplementary local planning policies to address those issues.*

More information regarding the R-Codes interim review is available on the Department of Planning, Lands and Heritage website.

Given that the R-Codes have been modified it is necessary to update LPP3.1. The proposed changes to LPP 3.1 will also require a change to LPP 1.17 Additional Development Exemptions. Both of these changes are minor and can be accommodated without advertising.

Scheme Provisions

MRS Zoning	:	N/A
LPS Zoning	:	N/A
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

Site Details

Lot Area	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc.)	:	N/A
Site Details	:	N/A

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)**DETAIL**

Local Planning Policy 3.1 Residential Development is currently operating well, allowing for good design outcomes. As such it proposed to retain the policy's key provisions with minor changes to reflect the new wording in the R-Codes. It is also proposed to insert a provision relating to outbuildings and to delete the outbuilding section of 1.17.

The key changes to the document are as follows:

1. Updated scope;
2. Updated policy clauses to reflect the wording in the amended R-Codes;
3. Deletion of clauses relating to garage width and street trees as these are adequately addressed in the R-Codes.
4. Addition of a clause relating to Outbuildings.
5. Removal of reference to clauses in State Planning Policy 7.3 Residential Design Codes Volume 2.

A version of the policy with the tracked changes is attached to demonstrate the extent of the modification. While the changes look substantial, the key aspects of the original policy have been retained. For example, the emphasis of the policy on the development of corner lots, and the desire that development on such lots is designed and sited to address both street frontages is retained, as is the need to retain more generous setbacks on the secondary street and incorporate visually permeable fencing to both street frontages.

Further detail is provided in the commentary below:

Setback of buildings, garages and carports

As part of the interim review it was identified that structures such as porches, balconies and verandahs can have a positive impact on the street providing increased residential amenity and visual interest. It was identified that the current R-Codes were overly restrictive in terms of the design of these spaces and this limited their use. The updated R-Codes, allows for these structures to project forward of the building line, without the need to provide compensating space, as was the previous requirement.

In addition to the above, it was also recognised that carports have less building bulk than garages and also allow for high levels of visual surveillance to the street. The updated R-Codes allow for carports forward of the building line subject to meeting certain design requirements.

LPP 3.1 has generally been updated to reflect these changes however it is noted that the policy maintains a need for garages to be setback 3.0 metres from the secondary street and clarifies the need for carports on the secondary street to be designed to be compatible with the dwelling. This is considered to be consistent with the policy objectives of reducing the impact of car parking on the street and ensuring development makes a positive contribution to existing streetscapes.

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)Garage width

The garage width provisions contained in Clause 3 – C2.2 were designed to provide applicants and owners with certainty with regard to how a lot between 10.5 metres and 12 metres in width could be developed with a double garage. While these provisions were useful, the majority of new side by side lots developed in the City of Melville are 10 metres wide or less meaning that those provisions do not apply and can only be referred to as a part of a performance assessment of a proposal.

The amended R-Codes are clearer in terms of the expectation for garage width, stating that a garage should only take up 50% of the frontage on a single storey dwelling and up to 60% for a two storey dwelling. Any proposal which does not meet this development standard will be required to be considered against the relevant design principles. It is also noted that the deemed to comply provisions of the R-Codes require high levels of street surveillance through the provision of a clearly defined entrance and habitable rooms facing the street.

The City has the ability to positively impact on the design outcomes of dwellings through the DA process. It is therefore proposed that the City align itself with the R-Codes in this regard and to delete the existing policy provision contained within LPP 3.1.

Street Trees

Clause 5.3.5 Vehicular access states that driveways shall be:

- Located so as to avoid street trees, or where this is unavoidable, the street trees replaced at the applicant's expense or replanting arrangements to be approved by the decision maker.

Where a proposed development impacts a street tree, a development application will now be required to be lodged with the City and assessed against the design principles. Alternatively, amended plans may be provided which remove this conflict.

In view of these changes to the R Codes, it is unnecessary to maintain this clause in the City's policy.

Outbuildings

The amended R-Codes, contain deemed to comply provisions for small and large outbuildings. Clause 7.3.1 has also been amended to allow a local government to modify these deemed to comply provisions by way of a local planning policy. As part of this review it is recommended that an outbuilding clause be added to LPP3.1 with minor changes to the deemed to comply provision in relation to wall height and boundary wall. These provisions are similar to those that already exist in LPP1.17 Exemptions Policy and as such the outbuildings clause in the exemptions policy is proposed to be deleted.

LPP1.17 Exemptions Policy allows for Outbuildings to be located on the boundary subject to meeting the boundary wall requirements of LPP 3.1. This policy provision has been in place for a number of years and is a practical approach, allowing a landowner to make effective use of their property without having a negative impact on the amenity of adjoining properties. It also consistent with recent State Government initiatives to remove the need for development approval for small residential projects.

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

The amended R-Codes allow for small outbuildings with a wall and ridge height 2.7 metres to be located on the boundary. Where this occurs, the outbuilding boundary wall does not contribute to the total amount of boundary wall permitted for the site. For larger outbuildings the amended R-Codes require buildings to be setback from the boundary and also set out a maximum wall height of 2.4 metres. These provisions are considered to be contradictory, indicating that an outbuilding on the boundary to 2.7 metres in height has an acceptable amenity impact on the adjoining landowners in some circumstances but not in others. To resolve this issue it is proposed to amend the large and multiple outbuildings deemed to comply provisions in the following manner.

Sub-Clause (ii) set back in accordance with Table 2A or comply with the boundary wall provisions of the policy.

Sub-Clause (iii) does not exceed a wall height of 2.7m

As noted above allowing outbuildings on the boundary results in a more effective use of space and reflect the existing exemption LPP1.17. The amended wall height reflects the wall heights allowable for small outbuildings and as such results in improved consistency.

STAKEHOLDER ENGAGEMENT

Advertising Required:	N/A
Neighbour's Comment Supplied:	N/A
Reason:	N/A
Support/Object:	N/A

I. COMMUNITY

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with subclause 5(2) the local government may amend a local planning policy without advertising if in the opinion of the local government the proposed changes are minor in nature. In this instance the changes to the policy are of an administrative nature to reflect the current statutory planning framework and advertising of the amended policy is not required.

A notice of the revised policy will be published in the local newspaper and on the City's website if it is adopted by Council.

II. OTHER AGENCIES / CONSULTANTS

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy.

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

The proposed changes bring LPP 3.1 into line with the recent changes made to the R-Codes. The changes to the R-Codes were advertised to various stakeholders for comment in 2020 by the Department of Planning, Lands and Heritage.

Given the above, the WAPC is not required to be consulted.

STATUTORY AND LEGAL IMPLICATIONS

No statutory or legal implications have been identified as a part of this review.

FINANCIAL IMPLICATIONS

There are no financial implications identified in relation to this policy change.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The local planning policies which are the subject of this report have been reviewed to ensure they remain consistent with the current planning framework. This review will ensure these continue provide a sound basis for the assessment and determination of planning applications.

COMMENT

State Planning Policy 7.3 Residential Design Codes has recently been reviewed by the State Government and was gazetted on 2 July 2021. LPP 3.1 Residential Development and LPP1.17 Additional Development Exemptions have been reviewed taking into account the changes to the R-Codes.

LPP 3.1 assists the City to deliver quality development outcomes and as such only a minor review of this policy is required.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may choose not to amend the policy however this is not recommended as it may lead to inconsistency between the R-Codes and the City's Local Planning frameworks. Council may also choose to make further changes to the proposed policy however this may result in the need for the policy to be advertised to the general public and the WAPC.

P20/3934 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT AND LPP 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)**CONCLUSION**

It is proposed to amend LPP 3.1 Residential Development and LPP 1.17 Additional Development Exemptions without advertising, as these are minor changes consistent with the recent review of the State Planning Policy 7.3 Residential Design Codes. LPP 3.1 retains key development controls relating to streetscapes which will continue to deliver on high quality residential development across the City.

The adopted changes would be advertised in the local newspaper and on the City's website following the Council decision as required by the Regulations.

OFFICER RECOMMENDATION (3934)**APPROVAL****That the Council:**

- 1. pursuant to clause 4, schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the changes to Local Planning Policy 3.1 Residential Development and Local Planning Policy 1.17 Additional Development Exemptions as detailed below in the attachment.**
- 2. endorses the publication of a notification of the changes in the local newspaper and on the City's website as required by the Planning and Development (Local Planning Schemes) Regulations 2015.**

Attachments:

[3934 LPP3.1 Residential Development Policy \(June 2021\)](#)

[3934 LPP 1.17 Additional Development Exemptions \(June 2021\)](#)

T21/3930 - PETITION FOR UPGRADES TO PARK INFRASTRUCTURE AT HERB NAPTHALLY RESERVE, MYAREE (REC)

Ward : Central
 Category : Operational
 Subject Index : Petitions
 Customer Index : Herb Naphthally Reserve
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Capital Works 2021/2022
 Funding : \$100,000
 Responsible Officer : Jeffrey Bird
 Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

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

T21/3930 - PETITION FOR UPGRADES TO PARK INFRASTRUCTURE AT HERB NAPTHALLY RESERVE, MYAREE (REC)**KEY ISSUES / SUMMARY**

- A petition with 49 signatures was received by the City requesting upgrades to Herb Naphthally Reserve, Myaree in particular improvements to the turf, play equipment and sand softfall.
- The petition was presented at the Ordinary Meeting of Council 20 April 2021 in which Council requested a report to be prepared on this matter.
- Herb Naphthally Reserve is a grassed local park consisting of a playground, barbeque, seating and a number of large trees.
- Capital Works in the park are scheduled for 2021-2022 which will address the majority of the concerns raised in the petition.
- The Officer recommendation is to progress with the scheduled playground, irrigation upgrades and minor works in 2021-2022.

BACKGROUND

A petition signed by 48 residents and one non-resident of the City of Melville was received on 16 April 2021 and reads as follows:

“We the local residents of Myaree, petition the City of Melville to re-landscape and replace the playground equipment at Herb Naphthally Reserve. Specifically re-turf the reserve with new grass and update degrading play equipment and sand.”

At the Ordinary Meeting of Council on 20 April 2021, Council resolved that the petition bearing 48 signatures of residents and one non-resident be acknowledged and that a report be prepared.

The lead petitioner was informed of the outcome of the 20 April 2021 meeting and advised that a report on the request will be presented to Council in July 2021.

DETAIL

Herb Naphthally Reserve, Myaree is a local park set aside primarily to provide space for informal play, physical activity, relaxation and social interaction. The park has a number of assets such as irrigated turf, established trees, a playground, barbeque, seating areas and functions as an area for flood control for the wider stormwater catchment area.

The City, as part of its asset renewal program, was scheduled to undertake upgrades to the playground and the irrigation system at Herb Naphthally Reserve as part of the 2021-2022 Capital Works Program.

T21/3930 - PETITION FOR UPGRADES TO PARK INFRASTRUCTURE AT HERB NAPTHALLY RESERVE, MYAREE (REC)

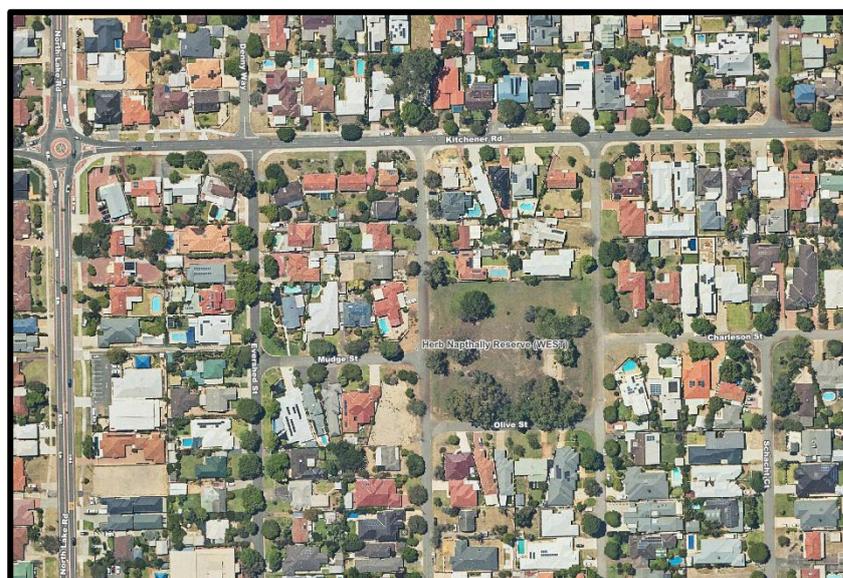
The playground will be upgraded in consultation with the local community on the style of play equipment and final design. This consultation process, run through Melville Talks, has been in place for the past year and has proved successful in gaining community input and ownership toward the end product. The remaining park infrastructure, such as the seating and barbecue, are considered to be in good condition and no further works to these assets are proposed as part of the works.

The Irrigation Capital Works Program has scheduled the replacement of the existing irrigation system at Herb Naphthally Park with a new system which will improve the effectiveness and efficiency of water distribution in the park.

The petition specifically mentions the re-turfing of the park. The City's approach in managing this aspect of the request will be achieved through the improved application of water which will significantly enhance the quality of existing turf through consistent watering patterns. In addition, fertiliser applications and soil improvement agents will be provided to further support quality turf establishment across the majority of the park without the need for re-turfing. In areas where the turf is severely degraded and does not respond to improved watering and fertiliser regimes, roll on turf or seeding of the area will be considered.

When the City upgrades irrigation systems, opportunities to incorporate landscape improvements are also considered. For example the City recently upgraded Sid Eaton Park in Alfred Cove which resulted in larger areas of mulch with improved gardens through the planting of shrubs and trees. Similar opportunities will be investigated as part of the design for Herb Naphthally Park.

It should be noted that the southern side of this park is used for stormwater drainage purposes. There are a number of small swales in place to slow the flow of water when it exits the drain into the park during rain events. As a consequence, there are limited opportunities to modify this area without significant investment in modifying the drainage system. There may be some minor works to delineate the area however the works will not involve major drainage upgrades.



Herb Naphthally Park and surrounding streets

T21/3930 - PETITION FOR UPGRADES TO PARK INFRASTRUCTURE AT HERB NAPTHALLY RESERVE, MYAREE (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Apart from those involved in the petition, there has been no community consultation in the development of this report, noting that the City will undertake community consultation as part of the playground upgrade in accordance with current practice.

II. OTHER AGENCIES / CONSULTANTS

There were no other agencies or external consultants used in the preparation of this report.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications related to this report.

FINANCIAL IMPLICATIONS

The playground upgrade is estimated to be \$40,000 and is allocated in the 2021-2022 Capital Works Program - Playground Renewal.

The irrigation upgrade is estimated to cost \$65,000 which includes the installation of a bore, pipe system and electrical cabinet as part of the 2021-2022 Capital Works Program - Irrigation Renewal.

Any minor landscape modification such as mulching or formalising garden beds is allocated in the 2021-2022 Capital Works Program - Landscape Renewal. It is anticipated that the landscape renewal works costs will be relatively minor.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Risk of not meeting community expectation by not supporting the petition for upgrades at Herb Naphthally Reserve.	Minor consequences which are possible, resulting in a Medium level of risk	Implement Capital Works Program as scheduled

POLICY IMPLICATIONS

There are no Policy implications in relation to this item.

T21/3930 - PETITION FOR UPGRADES TO PARK INFRASTRUCTURE AT HERB NAPTHALLY RESERVE, MYAREE (REC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could decide to not progress with the scheduled Capital Works Program however, as the program is generally based on asset renewal and useful life expectancy, any delay may compromise the integrity of the existing infrastructure in particular non-compliance in terms of safety requirements. In addition the community would be disappointed scheduled upgrades to the park would be postponed or cancelled.

CONCLUSION

Herb Naphthally is a local park in a fair condition but is still functional with some assets showing signs of wear and likely to have been a main driver in the City receiving the petition from the community.

The two main assets within the park, being the irrigation system and the playground, are due for renewal in the 2021-2022 financial year.

As the City had planned for these upgrades as part of the 2021-2022 Capital Works Program, it is the officer's recommendation to proceed with these works. It is anticipated that these works once implemented will be a major improvement to the park and meet community needs for upgrades.

OFFICER RECOMMENDATION (3930)**APPROVAL****That the Council:**

- 1. Endorses the Officer's recommendation to progress with the 2021-2022 Capital Works Program following the receipt of a petition requesting upgrades to park infrastructure at Herb Naphthally Reserve.**
- 2. Requests that the Chief Executive Officer advises the lead petitioner of this decision in writing.**

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)**

Ward	:	All
Category	:	Legislative
Subject Index	:	Acts, Statutes and Local Laws, Animal Control
Customer Index	:	City of Melville
Disclosure of any Interest	:	Officers responsible for the enforcement of the Dog Local Law 2005 were involved in the preparation of this report. No other officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item CD14/8061 – Dog Amendment Regulations – Local Laws – Ordinary Meeting of Council, July 2014 Item M16/5474 – Local Law Review – Ordinary Meeting of Council, 19 April 2016 Item M16/5497 – Conclusion of Local Law Review 2016 – Ordinary Meeting of Council, 16 August 2016. Item M20/5793 – Dog Local Law and Dog Exercise Areas: Public Consultation – Ordinary Meeting of Council, 8 and 9 December 2020.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Anne Hill Governance Project Officer

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input 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>

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

- In December 2020 the Council resolved that the *City of Melville Dog Local Law 2005* be replaced and authorised the Chief Executive Officer to commence the public consultation process on a new Dog Local Law in accordance with the *Local Government Act 1995*.
- Local public notice was given on 21 January 2021 and public comment was invited until 15 March 2021.
- 4 public submissions were received on the proposed new *City of Melville Dog Local Law 2021*, with comments also received from the Department of Local Government, Sport and Cultural Industries.
- The draft local law has been revised to reflect submissions, Departmental comments, and changes to State legislation.
- The revised version of the proposed local law is not considered to be significantly different to what was proposed in the local public notice, and Council is advised to make the *City of Melville Dog Local Law 2021*.

BACKGROUND

In December 2020, Council resolved to repeal and replace the [City of Melville Dog Local Law 2005](#). The Chief Executive Officer was authorised to commence the necessary processes to achieve this, as specified in the *Local Government Act 1995* (Local Government Act).

The **purpose** of the *City of Melville Dog Local Law 2021* is to provide for those matters in the *Dog Act 1976* (Dog Act) that may be dealt with under local laws.

The **effect** of the *City of Melville Dog Local Law 2021* is to:

- (a) Provide for the operation of a pound and charges to be levied under section 29(4) of the Dog Act; and
- (b) Specify the fencing requirements for the keeping of dogs; and
- (c) Specify the number of dogs that may be kept in or at a premises; and
- (d) Make provision for the licensing of kennel establishments; and
- (e) State the objection and appeal rights available against certain decisions of the City under the local law; and
- (f) Provide for the enforcement of this local law.

Local public notice of the proposed *City of Melville Dog Local Law 2021* was given in accordance with s.3.12(3)(a) of the Local Government Act:

- on the City's *Melville Talks* web page,
- in the *Melville Gazette*,
- in the *Melville Matters* e-newsletter,
- on the City's Facebook page, and
- on noticeboards in the City's libraries and the Civic Centre.

A copy of the proposed local law was given to the Minister consistent with s.3.12(3)(b) of the Local Government Act.

The public comment period opened on 21 January 2021 and closed on 15 March 2021.

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)****DETAIL****1. Key differences between the existing Dog Local Law 2005 and the proposed Dog Local Law 2021****1.1 Objection and review rights**

The *Dog Local Law 2005* does not make reference to objection and review rights in relation to City decisions under the local law. The Joint Standing Committee on Delegated Legislation has stated its position that local laws must make reference to such rights and an appropriate clause has been inserted in the *Dog Local Law 2021*.

1.2 Exemption to the limitation on the number of dogs kept

A mechanism is provided for a person to apply for an exemption under s.26(3) of the Dog Act to the specified limit on the number of dogs that may be kept at a premises.

1.3 Penalties

Penalties have been removed from the local law where a breach of the local law is also a breach of the Dog Act, and where the Dog Act or *Dog Regulations 2013* already specify the relevant penalties.

1.4 Removal of Part 5

Part 5 of the Dog Local Law 2005 dealt with dog exercise areas, areas restricted to on-leash access only and areas in which dogs are prohibited. These matters are now dealt with under section 31 of the Dog Act and Part 5 and the related Schedules 4 and 5 are redundant.

1.5 Other issues

Definitions and certain provisions have been amended or deleted to be consistent with, or to avoid duplication with, current State legislation. Internal inconsistencies in style, outdated and unclear language, and missing headings have been corrected, and the application of the local law clearly specified to assist comprehension and avoid misinterpretation.

On the recommendation of the Department, defined terms have been emphasised in the text of the local law.

2. Public submissions on the proposed Dog Local Law 2021

Four public submissions were received on the proposed *Dog Local Law 2021*, with comments also provided by the Department of Local Government, Sport and Cultural Industries at the request of the Minister. In accordance with s.3.12(4) of the Local Government Act, these submissions and comments have been considered, and are summarised in [5844 1 Summary of Submissions Dog Local Law](#)

The proposed *Dog Local Law 2021* has been revised following the receipt of public submissions and Departmental comments as follows:

2.1 Part 5 – Dogs in Public Places

As a result of amendments to section 31 of the Dog Act in 2013, local governments may specify a public place, or class of public place, under the care, control or management of the local government:

- where dogs are prohibited totally at all times or at specified times, or
- to be a dog exercise area.

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)**

In both cases, local public notice of the local government's intent must be given at least 28 days before the decision and the decision must be by absolute majority.

In July 2014, Council under section 31 of the Dog Act carried a motion by absolute majority decision restating the provisions in the *Dog Local Law 2005* relating to dog exercise areas, areas where dogs must be kept leashed and areas where dogs are prohibited. This resolution had the effect of maintaining the arrangements provided for in the *Dog Local Law 2005*. A copy of this resolution appears in [5844 2 Extract Minutes OMC 15 July 2014](#)

Part 5 of the 2005 local law had been revised in the proposed *Dog Local Law 2021* to reflect section 31 of the Dog Act, but the Department has advised that Part 5 is redundant and it has been removed. While the Council resolution of July 2014 made reference to Schedules 4 and 5 of the *Dog Local Law 2005*, the contents of the schedules were replicated in the resolution and the references are redundant.

One submitter highlighted that the current identification of all public places as dog exercise areas unless specified otherwise, is too broad and is not based on the suitability of those places for off-leash exercise. This concern is addressed separately in the report on the review of dog exercise areas.

2.2 Penalties

Under section 3.10 of the Local Government Act, local governments may provide for maximum penalties of \$5,000 for a contravention of a local law.

The proposed *Dog Local Law 2021* imposed a penalty of up to \$2,000 if prosecuted, or a modified penalty of \$200 imposed through an infringement notice, for allowing a dog to excrete in a public place. These were consistent with the penalties for contravention of provisions of the Dog Act and the *Dog Regulations 2013*.

The majority of submitters to the proposed *Dog Local Law 2021* suggested that the proposed penalty would be too high and argued it should be left at \$1,000 penalty and \$100 modified penalty, as in the existing *Dog Local Law 2005*.

In practice, the City is rarely able to enforce this clause of the local law because of the difficulty in establishing the facts. Any deterrent effect is likely to be due to the existence of a penalty at all, rather than the size of the penalty. The proposed local law has therefore been revised to provide for a penalty of \$1,000 (on prosecution) and modified penalty of \$100 (by infringement notice).

One submitter also pointed out that the offence should be for failure to remove excrement deposited by a dog for which the person is responsible, rather than for allowing a dog to excrete, which is not something the owner can control. The proposed local law has been revised to restate the offence more logically as suggested.

2.3 Minor drafting matters

The Department of Local Government, Sport and Cultural Industries suggested changes to clauses 2.3, 3.1 and 4.14 to comply with recommendations made by the Joint Standing Committee on Delegated Legislation with respect to similar local laws, and to differentiate more clearly between matters dealt with under the local law and matters covered by the Dog Act.

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)**

The Department and one submitter also made editorial suggestions to ensure consistency with current drafting standards. All suggested changes have been made in the revised proposed local law.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Community stakeholder engagement on the proposed Dog Local Law 2021 was undertaken in accordance with section 3.12 of the Local Government Act, which requires a minimum six-week public consultation period. Public submissions were invited by local public notice in accordance with section 1.7 of the Local Government Act on 21 January 2021 and closed on 15 March 2021.

Four submissions were received from members of the public, and are summarised in [5844 1 Summary of Submissions Dog Local Law](#)

II. OTHER AGENCIES / CONSULTANTS

Section 3.12(b) of the Local Government Act requires provision of the proposed local law to the Minister(s) administering the Acts under which the local laws are proposed to be made. In this case, the administration of the Dog Act is within the portfolio of the Minister for Local Government. The Minister referred the proposed local law to the Department of Local Government, Sport and Cultural Industries, which submitted comments as discussed above.

STATUTORY AND LEGAL IMPLICATIONS

In making a local law a local government must follow the procedure described in section 3.12 of the Local Government Act, in the sequence in which it is described.

The City has complied with sections 3.12(2) and 3.12(3). This report relates to section 3.12(4), which states:

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

* Absolute majority required.

The revisions proposed as a result of the public consultation process are not considered to have resulted in the local law becoming significantly different from what was proposed.

If Council resolves by absolute majority to make the *City of Melville Dog Local Law 2021*, then it will come into operation 14 days after publication in the *Government Gazette*.

Following publication, under s.3.12 of the Local Government Act, the City must give a copy to the Minister, give local public notice of the published local law, including publishing it on the City's website, and submit it to the Joint Standing Committee on Delegated Legislation.

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)**

The making of the *City of Melville Dog Local Law 2021* will not affect the current status of dog access in any public places under the care, control and maintenance of the City, because such matters may no longer be specified under local laws. That status was determined under section 31 of the Dog Act in July 2014, and these matters are the subject of a separate report of the review of dog exercise areas.

FINANCIAL IMPLICATIONS

There are no significant financial implications arising from the recommendations of this report. Minor costs will be incurred in publishing the local law in the *Government Gazette*. These costs will be met under the existing budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are environmental management implications in this matter only if dogs are permitted in environmentally sensitive areas and cause harm to native flora and fauna.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Redundant and/or outdated local laws cause confusion and do not meet their intended purpose	Medium consequences which are unlikely, resulting in a low level of risk.	Review, amend or repeal local laws regularly to ensure they continue to be relevant and effective.
The Joint Standing Committee on Delegated Legislation may determine that the City of Melville Dog Local Law 2021 differs from the proposed local law as advertised.	Minor consequences which are unlikely, resulting in a low level of risk.	Clarify the reasons for the revisions in the explanatory memorandum to the Joint Standing Committee on Delegated Legislation, and explain that they do not significantly change the effect of the local law.

POLICY IMPLICATIONS

There are no strategic policy implications associated with this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could choose not to make the *City of Melville Dog Local Law 2021*. This would mean that the existing *City of Melville Dog Local Law 2005* would continue to operate, to the extent that it is consistent with State law, but the matters described above would not be addressed.

The Council may determine that the attached *City of Melville Dog Local Law 2021* is significantly different from the proposed local law advertised for public comment and resolve to recommence the public consultation process under section 3.13 of the Local Government Act. This would delay the reforms to the local law by approximately 4 months.

**M21/5844 – PROPOSED DOG LOCAL LAW 2021 – REPORT OF PUBLIC SUBMISSIONS
(AMREC) (ATTACHMENTS)****CONCLUSION**

Council is asked to consider the submissions made on the proposed *City of Melville Dog Local Law 2021*, determine that it is not significantly from what was proposed when local public notice was given and make the *City of Melville Dog Local Law 2021* as it appears in [5844 3 City of Melville Dog Local Law 2021](#)

OFFICER RECOMMENDATION (5844)**ABSOLUTE MAJORITY****That the Council:**

- 1) Resolves to make the City of Melville Dog Local Law 2021 [5844 3 City of Melville Dog Local Law 2021](#) and**
- 2) Authorises the Chief Executive Officer, in accordance with section 3.12 of the *Local Government Act 1995*, to:**
 - a) Publish the *City of Melville Dog Local Law 2021* in the *Government Gazette*; and**
 - b) Give a copy of the local law to the Minister for Local Government; and**
 - c) Give local public notice of the publication of the local law; and**
 - d) In accordance with the Minister's directions, provide a copy of the local law and required explanatory material to the Joint Standing Committee on Delegated Legislation in the Western Australian Parliament.**

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

Ward	:	All
Category	:	Legislative
Subject Index	:	Acts, Statutes and Local Laws, Animal Control
Customer Index	:	City of Melville
Disclosure of any Interest	:	Officers responsible for the enforcement of the Dog Local Law 2005 were involved in the preparation of this report. One officer has a proximity interest with respect to Tompkins Park Reserve.
Previous Items	:	Item CD14/8061 – Dog Amendment Regulations – Local Laws – Ordinary Meeting of Council, July 2014. Item M16/5474 – Local Law Review – Ordinary Meeting of Council, 19 April 2016. Item M16/5497 – Conclusion of Local Law Review 2016 – Ordinary Meeting of Council, 16 August 2016. Item M20/5793 – Dog Local Law and Dog Exercise Areas: Public Consultation – Ordinary Meeting of Council, 8 and 9 December 2020.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Anne Hill Governance Project Officer

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input 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>

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)****KEY ISSUES / SUMMARY**

- Council in December 2020 authorised the Chief Executive Officer to consult the community on proposals for changes to dog access to certain City parks.
- Public comment on officer recommendations was invited between 21 January and 15 March 2021, with the public invited to comment on parks that had not yet been assessed.
- 78 public submissions were received relating to 24 parks and foreshore areas, expressing a diversity of views.
- As a result of issues raised in submissions, recommendations regarding some parks have been made, and a more comprehensive assessment of all current dog exercise areas is proposed to be undertaken to determine whether they are suitable for their current use.

BACKGROUND

The *Dog Act 1976* (Dog Act) requires all dogs in public places to be either leashed or tethered, other than in specified circumstances, but provides for local governments to specify public places as areas where dogs are prohibited totally either at all times or certain times, or dog exercise areas, in which dogs may be unleashed provided they are under effective control.

The City of Melville has historically taken the approach that all public places under the care, control or management of the City should be dog exercise areas, other than specified places (or classes of places) classified as “restricted” (dogs must be leashed in accordance with section 31(1) of the Dog Act) or where dogs are prohibited.

This was initially accomplished through Part 5 and Schedules 4 and 5 of the *Dog Local Law 2005*. In July 2014, the City’s position was confirmed by absolute majority decision of Council (Attachment 1) under section 31 of the Dog Act after the Dog Act was amended. This amendment changed the mechanism for specifying dog-prohibited places and dog exercise areas from local laws to absolute majority resolution of Council.

In 2020, City officers assessed certain parks in the context of changing use and public feedback, and recommended that some changes be made to dog access in the interests of safety, amenity and environmental protection. In other cases, officers recommended that the current status be retained.

Council approved the invitation of public comment on these recommendations. The public comment period commenced on 21 January 2021 and closed on 15 March 2021. This consultation occurred in parallel with the public comment period on the proposed new *Dog Local Law 2021*, which is the subject of a separate report.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)****DETAIL****1. Current position**

The *Dog Act 1976* (Dog Act) provides that:

- a dog in a public place must be held by a person capable of controlling it, or securely tethered, by means of a suitable chain, cord, leash or harness (section 31(1));
- a dog shall not be in a public place specified by a local government under section 31(2B) as a place where dogs are prohibited (section 31(2A)); and
- a dog is exempt from the leashing requirements of section 31(1) under certain circumstances (section 31(2)), including being in a dog exercise area specified by a local government under section 31(3A) provided the dog is being supervised by a competent person in reasonable proximity to the dog (section 32).

In July 2014, in response to amendments to the Dog Act the Council, by absolute majority decision under section 31(3A) of the Dog Act reaffirmed its previous policy that all public places under the care, control or management of the City are dog exercise areas, unless that public place:

- (a) is a prohibited place as described in the resolution;
- (b) is being used for an organised function or event attended by people;
- (c) is land which has been set apart as a children's playground;
- (d) is a thoroughfare or pathway;
- (e) is an area under which dogs must be under control as described in the resolution.

The City manages 202 parks and reserves, the great majority of which permit dogs to be exercised off-leash under the default categorisation. The lists of specified places where dogs are prohibited or must be kept on a leash are published on the "[Dog Ownership Rules and Management](#)" page on the City's website. The current dog access status of the City's parks and reserves is also shown in [5845 2 City of Melville Dog Areas Map](#) form attached to this report and on the City's [website](#) and in the public "[Your Dog](#)" brochure.

The prohibited places specified by the July 2014 resolution are:

- (a) A public building;
- (b) Shop or business premises, other than a shop or business premises where dogs are sold or treated for illness or injury;
- (c) An area set aside by a wall, fence, sandpit or other softfall surface as a children's playground and;
- (d) In all the areas prescribed in Schedule 4 (*of the Dog Local Law 2005*).

The areas specified in Schedule 4 of the *Dog Local Law 2005* were replicated in the resolution and this reference is therefore redundant. The Dog Act no longer gives local governments the power to prohibit dogs in public places that are not under the care, control or maintenance of the local government, so the reference to shops and business premises is not valid.

The resolution also specified areas in which dogs must be under control (leashed or tethered as required by s.31(1) of the Dog Act), replicating the list of areas that existed in Schedule 5 of the *Dog Local Law 2005*.

In most cases, individual parks were not assessed for their suitability as dog exercise areas prior to the general specification that gave them this status.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

The City's Ranger Services assessed 43 of the City's parks for their suitability for their current form of dog access, based on observation, change in usage patterns, and feedback from park users. A recommendation was made for each park on whether to retain the current access level for dogs or change it, with stated reasons, and public comment was invited on these recommendations.

2. Results of public engagement process

Seventy-eight public submissions were received on the review of dog access to parks, with several submitters commenting on multiple parks. People also submitted general comments or concerns about dog activity in parks. A summary of the views expressed in the submissions is attached to this report. [5845 3 Review of Dog Exercise Areas Summary of Submissions](#) A comparison of public views against the officer recommendations in relation to individual parks is also attached. [5854 4 Review of Dog Exercise Areas Summary by Parks](#)

No comment was received on the officers' recommendations for 27 parks, but comment was received relating to 6 parks that had not been included in the initial analysis.

The views expressed were diverse, but key issues related to:

1. Conflict between the activities of dogs/dog owners and other park users

Reported conflicts related to issues of safety (dog aggression, and collisions and falls caused by dogs), discomfort for people anxious about dogs, and concerns about health and amenity, especially associated with dog excrement. Failure of owners to remove their dogs' excrement on sporting fields was raised as a specific concern.

Some people reported instances of aggression and harassment between dog owners and other park users over dog behaviour.

Attention was drawn to the inherent conflict between the City's actions in designing parks and park features specifically to attract families with very young children, and then permitting unleashed dogs in those parks, which was seen as discouraging such families from using them.

Of the comments received for 6 parks not included in the published list, all of which are currently off-leash areas, 5 requested that dogs be restricted to on-leash only in all or part of the parks to allow families with very young children to enjoy the parks safely.

Some people pointed to the dangers of dogs on paths to cyclists and pedestrians. Although dogs are required to be leashed on paths, unleashed dogs run on to paths in dog exercise areas, and even leashed dogs can obstruct paths when the dog and its owner are on opposite sides of the path. Some submitters asked for physical separation such as fences between dogs and path users.

2. Support for retaining or extending dog exercise areas

There was significant support for at least part of Tompkins Park to be designated as a dog exercise area at certain times or other than when sporting events are underway.

M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)

There was opposition to the proposal to remove the status of dog exercise area from Three Bears Park, with submitters arguing that the location and semi-fenced nature of this park make it ideal for off-leash exercise and that incompatible use, such as BBQs, is relatively infrequent.

3. River access for dogs to swim

There was significant support for additional areas for dogs to have access to the river to swim, particularly at a place along the Bicton foreshore, with some local submitters pointing out that the Swan River Trust has stated it has no objections to dogs swimming in the river. The City has jurisdiction only above the mean high water mark, but currently dogs are prohibited between the path and that point.

4. Enforcement of local law and Dog Act

Dissatisfaction was expressed at perceived inadequate ranger presence in parks or enforcement of current rules, especially relating to poorly controlled off-leash dogs and failure of dog owners to remove their dogs' excrement.

3. Proposed actions

3.1 Places where the assessment recommended no change to dog access, and no public comment was received

Table 1 – Dog access status of assessed parks and reserves where no change is proposed.

Park/reserve	Current classification	Recommendation
Alfred Cove Nature Reserve	Prohibited	No change
Bateman Park (part)	Prohibited	No change
Bosworth Park	Prohibited	No change
Burke Drive Foreshore	Prohibited	No change
Moss Park	Prohibited	No change
Oz Park	Prohibited	No change
Point Dundas	Prohibited	No change
Ross Park	Prohibited	No change
Thomas Middleton Park	Prohibited	No change
Blue Gum Reserve	Restricted to on-leash	No change
Booragoon Lake Reserve	Restricted to on-leash	No change
Carawatha Park	Restricted to on-leash	No change
Civic Centre	Restricted to on-leash	No change
Ern Stapleton Reserve	Restricted to on-leash	No change
Foreshore Flannagan Rd to Canning Bridge, and Queens Rd to Cranford Ave	Restricted to on-leash	No change
Foss Street Park	Restricted to on-leash	No change
Four Seasons Park	Restricted to on-leash	No change
Harry Sandon Park	Restricted to on-leash	No change
Wal Hughes Reserve	Restricted to on-leash	No change
Wireless Hill Park	Restricted to on-leash	No change
Bateman Park (part)	Dog exercise area	No change
Len Shearer Reserve (when no sport underway)	Dog exercise area	No change
Ratcliffe Park	Dog exercise area	No change

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

(Note that dogs must be leashed when on paths even in dog exercise areas, and if indicated by on-site signs, leashed dogs may be allowed to walk on paths through some parks where they are otherwise prohibited.)

Council is advised to accept the officers' recommendations to retain the current status of the parks and reserves listed in Table 1 above.

3.2 Parks and reserves where assessment recommended specifying a currently restricted park or reserve as a dog exercise area.

Rangers assessed a number of parks and reserves that are currently either prohibited to dogs or require dogs to be kept on a leash, and in some cases have recommended that part or all of those areas be specified as dog exercise areas, including some large sporting reserves when the areas are not being used for sport or other events. Public comment on these recommendations was mixed as shown below.

Table 2 – Parks and reserves that are not currently dog exercise areas but are recommended to be specified as dog exercise areas.

Park	Current status	Recommendation as advertised	Support for dog exercise area	Support for only part of the area or time restrictions	Oppose dog exercise area
Melville Reserve	On-leash	Dog exercise area	1		1
Tompkins Park Reserve	On-leash	Dog exercise area except during sporting events	18	4	3
Joan Williams Park	On-leash	Dog exercise area	No comment received		
Marmion Reserve	On-leash	Dog exercise area on eastern part of the reserve	No comment received		

Respecting the concerns expressed in relation to making the whole of Tompkins Park Reserve dog exercise areas, the eastern part of Tompkins Park Reserve is suggested to be excluded from the dog exercise area specification to provide for park users who do not wish to interact with unleashed dogs. The Melville Reserve sports oval is considered suitable as a dog exercise area, but dogs should be leashed in the carpark and skatepark. Dogs are required to be leashed on paths throughout the City.

Council is advised to:

- 1. Accept the officers' recommendations to specify as dog exercise areas except for during sporting events:**
 - a. Joan Williams Park;**
 - b. the part of Marmion Reserve east of the carpark and path bordering the lake;**
 - c. Tompkins Park Reserve, west of the mid-point between Francis Road and Cantray Avenue;**
 - d. Melville Reserve sports oval and surrounds, excluding the carpark and skatepark.**

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

3.3 Parks and reserves that are currently specified as dog exercise areas, but are unsuitable for this purpose.

In their initial assessment, officers determined that a number of parks and reserves currently classified as dog exercise areas are unsuitable for that purpose due to size, conflicts between the needs of different park users or environmental sensitivity.

Requests were received from several submitters in relation to dog exercise areas not included in the original assessment asking the City to remove the dog exercise area specification from all or part of the park or reserve because of conflicts with vulnerable park users such as small children, mobility-impaired people, people who feel unsafe interacting with unleashed dogs or owners of anxious/reactive dogs. In all cases, alternative off-leash exercise areas exist in reasonable proximity.

Table 3 – Parks and reserves that are currently dog exercise areas but are considered unsuitable for this classification.

Park	Current status	Recommendation as advertised	Support for making area on-leash only	Support for cancelling dog exercise area status for only part of park or making time restrictions	Oppose making area on-leash only
George Humes Park	Dog exercise area	Cancel dog exercise area status	No comment received		
William Reynolds Park	Dog exercise area	Cancel dog exercise area status	No comment received		
Robert Crawford Reserve	Dog exercise area	Cancel dog exercise area status			1
Three Bears Park	Dog exercise area	Cancel dog exercise area status		1	7
Alan Edwards Reserve	Dog exercise area	<i>Not included in first assessment</i>	2		
Hill Park	Dog exercise area	<i>Not included in first assessment</i>	1		
John Creaney Reserve	Dog exercise area	<i>Not included in first assessment</i>		1	
Juett Park	Dog exercise area	<i>Not included in first assessment</i>	1		
Ogilvie Road Reserve	Dog exercise area	<i>Not included in first assessment</i>	1		

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

These comments have highlighted the disadvantages of the City's historical approach of specifying that all public places are dog exercise areas unless specified by exception, where the individual parks and reserves have not been rigorously assessed for suitability as dog exercise areas.

Officers have assessed the parks identified by submitters as unsuitable for off-leash exercise, and support the removal of dog exercise area status for Hill Park and Juett Park. Dogs will be able to access these parks on-leash in accordance with the Dog Act.

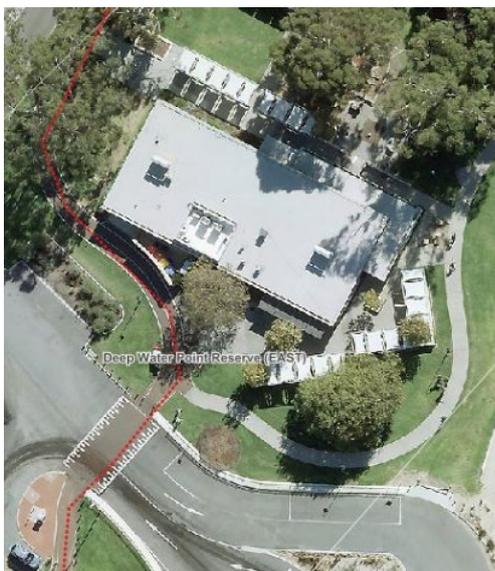
Alan Edwards Reserve, John Creaney Reserve and Ogilvie Road Reserve are of adequate size for off-leash exercise, but options will be investigated to meet the needs of users who want to enjoy parts of the reserves without unwanted contact with unleashed dogs.

Robert Crawford Reserve is a very restricted space with a central footpath bordered by narrow bush areas. It is not suitable as a dog exercise area.

Three Bears Park is reasonably small, has three internal paths and a gazebo/BBQ area. However, it is partially fenced and there was considerable opposition to removing off-leash access. Further investigation is indicated.

Council is advised to:

- 1. Cancel the dog exercise area status of Juett Park, Hill Park, and Robert Crawford Reserve.**
- 2. Support an extensive assessment of each remaining existing dog exercise area against standard criteria and the needs of the users of those parks and reserves, to determine whether they are suitable for their existing purpose or whether part of all of the current dog exercise areas should have that classification rescinded.**

3.4 Specific issues**3.4.1 Deep Water Point**

Deep Water Point Reserve is a place in which dogs are prohibited totally, although they may be walked on-leash on paths. The City has the power to prohibit dogs only in public places that are under its own care, control or maintenance. The creation of the lease for the Dome Café removed the leased area from the care, control and maintenance of the City and thus excised that area from the dog-prohibited area.

This creates an anomaly in that leashed dogs are allowed in the carpark, on paths and in the *al fresco* area, but are not permitted to traverse the grassed area between them. The current prohibition places people in contravention of the law when they walk their leashed dogs between the carpark or path and the café, but enforcement of the prohibition in this limited area does not deliver any public benefit.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

The published recommendation was for leashed dogs to be permitted in the area between the carpark and the Dome Café *al fresco* area. This recognises current common practice and removes the anomaly. One submission opposed this recommendation and the other pointed out the need for clear signage if it were to be implemented.

Council is advised to excise the area at Deep Water Point between the Dome Café leased area and the carpark, and between the leased area and that part of the path closest to the *al fresco* area, from the specification of “place in which dogs are prohibited totally”.

3.4.2 Dog swim areas

Several requests were received for a dog swim area in Bicton, with an area along Blackwall Reach Parade, between Beach Street and Kent Street (excluding the Kent Street foreshore), being specifically suggested.

The City has jurisdiction only above the mean high water mark. The Swan River Trust and the Department of Biodiversity, Conservation and Attractions have jurisdiction beyond that point and do not prohibit dogs swimming in the river.

The accessible foreshore areas along that stretch of the river are relatively small, and the beach areas opposite Kent Street and Beach Street particularly are subject to significant human use. Dogs are permitted to walk on-leash along the path on the river side of Blackwall Reach Parade, and it is clear that despite the rules, people do take their dogs on to the beach areas. The City does not have the resources to strictly enforce the prohibition. Specifying a location in this vicinity where dogs may access the river will reduce the incentive for people to take their dogs to swim in areas more intensively used by people.

It is suggested that the City undertake a trial allowing dogs to access the river at the small beach near Crewe Street in the Kent Street direction (see below). This area is clear of waterside vegetation and attracts fewer people than the beaches near either Kent Street or Beach Street.



A well-publicised trial over the 2021/22 summer would reveal whether this would result in significant conflicts between users or attract irresponsible use. The Council may then decide whether to permanently specify this location as a dog exercise area.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

Council is advised to specify an area (see above) between the river side of the path along Blackwall Reach Parade near Crewe Street and the mean high water mark as a dog exercise area in order to allow a trial of dog access to the river in this location.

Requests were also made for dog swim areas and a dog exercise area along the Lucky Bay foreshore between Point Dundas and Conon Road. This area is too considered too small for off-leash exercise and is subject to significant human use. It is relatively close to the existing dog swim area.

3.4.3 Point Walter Reserve

Several submissions requested that leashed dogs be permitted on paths in this area, where they are currently prohibited at all times. Others complained that dog walkers are contravening the rules against dogs, including allowing their dogs off-leash, and that there was insufficient enforcement.

This is an A-class reserve and dogs are not permitted because of the environmental sensitivity of the area. Rangers patrol the reserve regularly, but individual incidents need to be reported by the public so that they can be investigated. No change is recommended for this area.

Council is advised to retain the Point Walter Reserve as a place where dogs are prohibited totally, including on paths.

3.4.4 Jeff Joseph Reserve

Officers recommended that the non-foreshore parts of the reserve be removed from the specification of “dogs prohibited totally” so that dogs may be walked on-leash away from paths in the areas that are not environmentally sensitive.

Several submissions requested that this area be specified as an off-leash dog exercise area, possibly restricted to certain times of the day during summer, but time-based restrictions are difficult to enforce effectively.

Some submissions requested dog access to the river in the reserve. Dogs are prohibited from the foreshore area here to protect an environmentally sensitive ecosystem. There is an existing dog swim area at the eastern end of the reserve.

Council is advised to support the officers’ recommendation to remove the specification of “dogs prohibited totally” from the non-foreshore parts of Jeff Joseph Reserve only.

3.4.5 Fencing

Some submitters suggested fences be erected to separate unleashed dogs from other park users, especially on paths. This suggestion was also made by some Elected Members. While this approach would reduce conflict between users with and without dogs, it would involve substantial cost and likely be opposed by some park users.

Previous public consultation on a fenced dog park at Attadale revealed significant opposition. The City is constructing its first fenced dog play area at Piney Lakes, and feedback from users will be helpful in deciding whether to plan more such areas.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Local public notice of the review of dog exercise areas was given on the City's *Melville Talks* web page, in the *Melville Gazette*, in the *Melville Matters* e-newsletter, on social media and on noticeboards in the City's libraries and the Civic Centre.

The public comment period opened on 21 January 2021 and closed on 15 March 2021, and members of the public were encouraged not to restrict their comments only to the officer's recommendations.

Seventy-eight public submissions were received and are discussed above. A summary of the views expressed in the submissions is discussed above and attached to this report, as is a summary by park comparing submitted views against the published recommendations.

[5845 3 Review of Dog Exercise Areas Summary of Submissions](#)

[5854 4 Review of Dog Exercise Areas Summary by Parks](#)

II. OTHER AGENCIES / CONSULTANTS

Other agencies and consultants were not engaged during this public consultation process. However, State agencies with regulatory responsibility over the Swan and Canning Rivers and environmentally sensitive areas will be consulted should consideration be given to extending dog access to such areas.

STATUTORY AND LEGAL IMPLICATIONS

Section 31(2B) of the Dog Act provides that:

- (2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
 - (a) at all times; or
 - (b) at specified times.

Section 31(3A) of the Dog Act provides that:

- (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Section 31(5) of the Dog Act states that:

- (5) A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

The City's approach of designating all parks as dog exercise areas unless specified otherwise meets the legislative requirement of "sufficient in number" but in most cases those areas have not been assessed to ensure they are suitable for that purpose.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

Dog exercise areas and places in which dogs are prohibited are no longer matters that may be dealt with under the local law and the new *Dog Local Law 2021* therefore does not make reference to them.

The absolute majority decision made by Council in July 2014 specifying places where dogs are prohibited and dog exercise areas made reference to clause 5.2 and Schedules 4 and 5 of the existing *Dog Local Law 2005*, which was not amended to reflect the changes to the Dog Act that rendered those provisions inoperable. These references were redundant because the contents of those parts of the local law were replicated in the resolution.

[5845 1 Extract Minutes OMC 15 July 2014](#)

All necessary information is contained within the resolution and the repeal of the *Dog Local Law 2005*, and absence of those provisions in the new *Dog Local Law 2021* will not affect the validity of the resolution.

Section 31(3C) of the Dog Act requires:

- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A); or
 - (c) a rural leashing area under subsection (3B),
- a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

This means that should the Council support the recommendations of officers concerning the specifying of dog exercise areas, the formal decision (by absolute majority) cannot be practically made until 28 days after local public notice of the intent to specify has been given.

It is considered good practice that if certain conditions must be met to make a decision, then the same conditions should apply to reversing that decision. This means that any decision to cancel the specification of a place as a dog exercise area, or a place where dogs are prohibited totally, should also be made by absolute majority, with a minimum of 28 days public notice of the intent.

The electoral cycle and caretaker requirements may affect the practical timeframe for these decisions. Notice cannot be given in time for a decision at the August Ordinary Meeting of Council and the September meeting is likely to fall within the caretaker period.

FINANCIAL IMPLICATIONS

Minor expenses apply to giving local public notice of the intent to specify, or rescind the specification of, dog exercise areas and places where dogs are prohibited.

Additional signage and public information will be required to ensure all users of parks and reserves are aware of the changes before and after the decisions are made.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are environmental management implications in this matter if dogs are permitted in environmentally sensitive areas and cause distress or harm to native flora and fauna.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)**

There is an existing risk of poorly controlled dogs causing distress or injury in public places due to aggression, over-familiarity, or collisions/trips. The Dog Act provides mechanisms for managing these risks, and the proposed review of whether the City's dog exercise areas are suitable for their purpose will also contribute to risk mitigation.

It is likely that there will be more contravention of the Dog Act and a higher volume of complaints immediately following a change to the dog status of parks and reserves, until the community becomes familiar with the changes. This risk will be mitigated by ensuring adequate on-site signage and publicity through multiple channels to raise public awareness. City officers will adhere to the Compliance and Enforcement Policy and Guidelines, particularly in using education and other non-punitive measures where this is a proportionate response to breaches of the Dog Act or the Dog Local Law.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Conflict between park users as a result of some existing dog exercise areas not adequately allowing for the needs of dog owners and other park users.	Significant consequences which are possible, resulting in a medium level of risk.	Review existing dog exercise areas for suitability and ensure there is a balance between areas available for off-leash exercise of dogs and areas where dogs are restricted to respect the rights of other park users.
Dog owners will resist restriction in parks that have historically been off-leash dog exercise areas.	Minor consequences which are probable, resulting in a low level of risk	Ensure appropriate signage and public information. Regularly assess the suitability of parks and reserves for dogs being exercised on or off-leash, and amend status as necessary.
Extending dog access in places where they have been restricted or prohibited may result in conflict between park users.	Significant consequences which are possible, resulting in a medium level of risk.	Review the consequences of extending dog access after a reasonable trial period, and amend the status if necessary.

POLICY IMPLICATIONS

Council will need to choose between the current policy of allowing dogs to be exercised off-leash in all public places under the care, control or management of the City unless specified otherwise, and aligning more closely with the Dog Act and most other local governments in specifying individual dog exercise areas that have been assessed as being fit for purpose.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may decide to approve no change to current dog access status in the City's parks and reserves. This will not address the concerns that have been raised through the public consultation process or observed by rangers in undertaking their duties.

If Council chooses to accept some of the recommendations and reject others, the implications will vary depending on the individual decisions.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)****CONCLUSION**

Following an assessment of 43 parks and reserves, officers recommended retention of the existing dog access status of some and changes to others.

Comments made and concerns expressed through the public consultation on those recommendations show a diversity of public views on the extent to which dogs should be allowed to access the City's parks and reserves, and under what conditions.

The City has historically permitted dogs to exercise off-leash in all the City's parks and reserves other where it has specified that they are prohibited or must be kept leashed. This has led to the City having many small dog exercise areas where some park users feel that they are unable to fully enjoy the amenities because of unwanted close contact with unleashed dogs that are not well controlled by their owners.

Council is advised to make determinations as described in this report to retain or change the status of certain parks for the reasons given, and to note that conflicting public views justify a more detailed investigation of the City's existing dog exercise areas before a final decision is made.

Local public notice of intent must be given at least 28 days before Council makes a decision to specify a dog exercise area or a place in which dogs are prohibited, or to cancel such specifications.

**M21/5845 – REVIEW OF DOG EXERCISE AREAS – REPORT OF PUBLIC SUBMISSIONS
(ATTACHMENTS)****OFFICER RECOMMENDATION (5845)****APPROVAL**

That the Council:

- 3) Reconfirms the dog access status of those City parks and reserves listed in Table 1 of the Officers' report.**
- 4) Reconfirms the retention of Point Walter Reserve as a place where dogs are prohibited totally.**
- 5) Authorises the Chief Executive Officer to give local public notice in accordance with section 31(3C) of the *Dog Act 1976*, that at a meeting on a date to be determined by Council, the local government intends to:**
 - a) specify the following places as dog exercise areas under section 31(3A) of the *Dog Act 1976*:**
 - i) Joan Williams Park;**
 - ii) Marmion Reserve east of the carpark and path bordering the lake;**
 - iii) Tompkins Park Reserve west of a point approximately midway between Francis Road and Cantray Avenue;**
 - iv) Melville Reserve sports oval and immediate surrounds, except the carpark and skatepark.**
 - v) An area of approximately 263m² incorporating 25m of beachfront between the river side of the path and the mean high water mark off Blackwall Reach Parade commencing approximately 46m north east of the intersection with Crewe Street for an initial period covering the summer of 2021/22.**
 - b) Cancel the specification of the following places as dog exercise areas:**
 - i) George Humes Park;**
 - ii) William Reynolds Park;**
 - iii) Juett Park;**
 - iv) Hill Park;**
 - v) Robert Crawford Reserve.**
 - c) Cancel the specification of the following places where dogs are currently prohibited totally under section 31(2A) of the *Dog Act 1976*:**
 - i) The area at Deep Water Point between the Dome Café leased area and the carpark, and between the leased area and that part of the path closest to the al fresco area.**
 - ii) The non-foreshore areas of Jeff Joseph Reserve.**
 - d) Notes that the CEO will initiate, and report back to Council on, a comprehensive review of all other existing dog exercise areas against standard criteria relating to practicality, safety and other uses, and that the purpose of the review of dog exercise areas will be to:**
 - i) ensure that the City of Melville has specified such dog exercise areas as are sufficient in number, and suitable, for the exercising of dogs in the district in accordance with section 31(5) of the *Dog Act 1976*, and**
 - ii) ensure that the City is meeting the needs of park users who wish to avoid unwanted contact with unleashed dogs.**

M21/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	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 18 May 2021 up to and including 16 June 2021 for the Council's noting.

M21/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2173	City of Melville and the Western Australian Planning Commission	Local Planning Scheme No.6 - Amendment No.7 Report. The Minister of Planning has directed the City to delete the conditions column of amended table 4. (This condition requested that larger format land uses be allocated to the rear of the site and that a local development plan may be required to ensure land uses fronting Leach Highway maintain a scale and character consistent with the local centre zone.)	6269454
CS2174	City of Melville and Department of Transport (Property Service Manager)	Updated terms and conditions following an application to modify Rockwood Jetty (demolish old and build a new jetty)	6284039
CS2175	City of Melville and the Western Australian Planning Commission	Local Planning Scheme No.6 - Amendment No.9 Report. To initiate the scheme amendment to modify the southern boundary of the Canning Bridge Activity Centre Plan.	5996235
CS2177	City of Melville and Landgate	Notification Section 70A of the Transfer of Land Act 1893 – Certificate of Title 15 (Lot 617) Corbett Way, Booragoon – Subdivision Referral. Transport Noise Notification.	DA-2019-495
CS2178	City of Melville and Residential Building WA	Notification Section 70A of the Transfer of Land Act 1893 – 473E Canning Highway, Melville – Two Storey Dwelling. Transport Noise Notification.	DA-2020-1581
CS2179	City of Melville and the Western Australian Planning Commission	Notification Section 70A of the Transfer of Land Act 1893 – 3 Wheyland Street, Willagee – Subdivision Clearance. Transport Noise Notification.	DA-2021-559

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M21/5000 – COMMON SEAL REGISTER (REC)

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 18 May 2021 up to and including 16 June 2021.

OFFICER RECOMMENDATION (5000)

NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 18 May 2021 up to and including 16 June 2021.

C21/6000 - INVESTMENT STATEMENTS FOR MAY 2021 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 May 2021 for the Council's information and noting.

C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)

BACKGROUND

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

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

DETAIL

The following statement details the investments held by the City as at 31 May 2021.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2021		
SUMMARY BY FUND		
Municipal		\$38,389,348
Reserve		\$146,968,253
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$185,575,379
SUMMARY BY INVESTMENT TYPE		
11AM		\$13,154,907
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$147,820,473
TOTAL		\$185,575,379
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$138,074,664
A Category (A+ to A-)	A+	\$10,000,716
	A	
	A-	
BBB+ Category	BBB+	\$37,500,000
TOTAL		\$185,575,379

C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)

Exposure to an individual institution is limited according to Council policy and in May 2021 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 5,500,000	2.96%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 26,000,000	14.01%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000	6.20%	15.00%	✓
CBA	AA-	AA Category	\$ 40,000,000	21.55%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.77%	25.00%	✓
NAB	AA-	AA Category	\$ 35,833,104	19.31%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 3,000,000	1.62%	25.00%	✓
Westpac	AA-	AA Category	\$ 56,741,560	30.58%	30.00%	✗
TOTAL			\$ 185,575,379	100%		

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

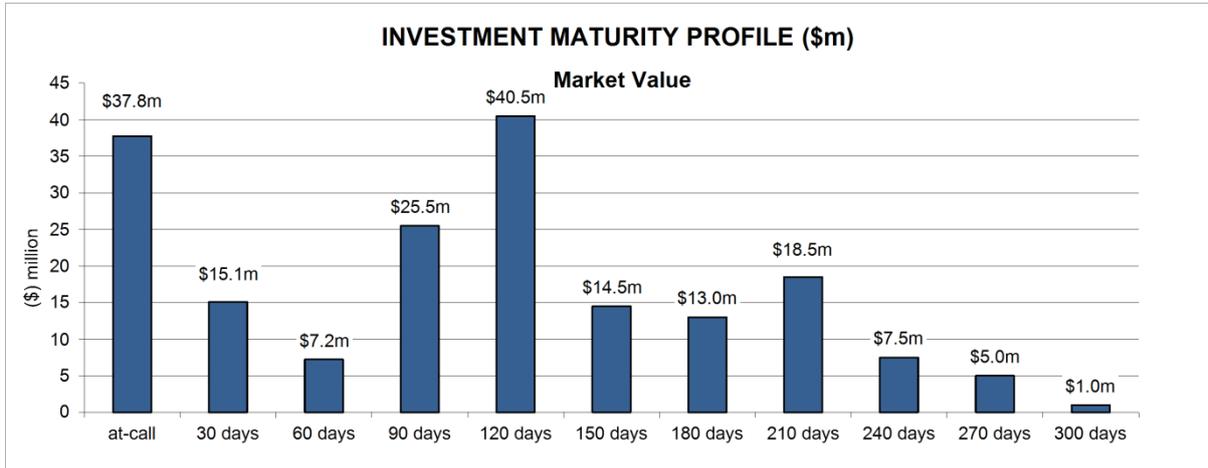
The City's investments were invested within the limits allowed within each category rating for May 2021 except Westpac Bank which exceeded the policy limit for individual financial institute by 0.58%. The City has withdrawn the investments upon maturity for the City's cash flow needs and a lower than expected investment balance which resulted in the exceeding of the policy limit by \$1M. This will be corrected in June 2021.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 138,074,664	74%	80%	✓
A Category (A+ to A-)	\$ 10,000,716	5%	50%	✓
BBB+ Category	\$ 37,500,000	20%	25%	✓
TOTAL	\$ 185,575,379	100%		

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)

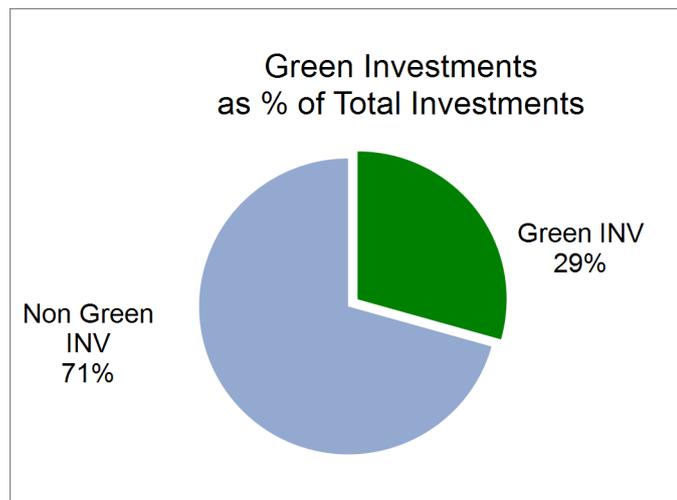
The below graph summarises the maturity profile of the City’s investments at market value as at 31 May 2021. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



The total investment prior to February included the Local Government House Trust. On the advice of the Western Australian Local Government Association (WALGA), this balance is now held within the City’s Asset Register.

“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 May 2021 was \$54,500,000 or 29% of total investment holdings being in non-fossil fuels institutions, compared to \$54,500,000 (28%) in April 2021. The total investments holding for May and April were \$185,575,379 and \$194,674,857 respectively.



C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000
CBA	AA-	AA Category	\$ 40,000,000
Suncorp	A+	A Category	\$ 3,000,000
TOTAL			\$ 54,500,000

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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.

C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)

FINANCIAL IMPLICATIONS

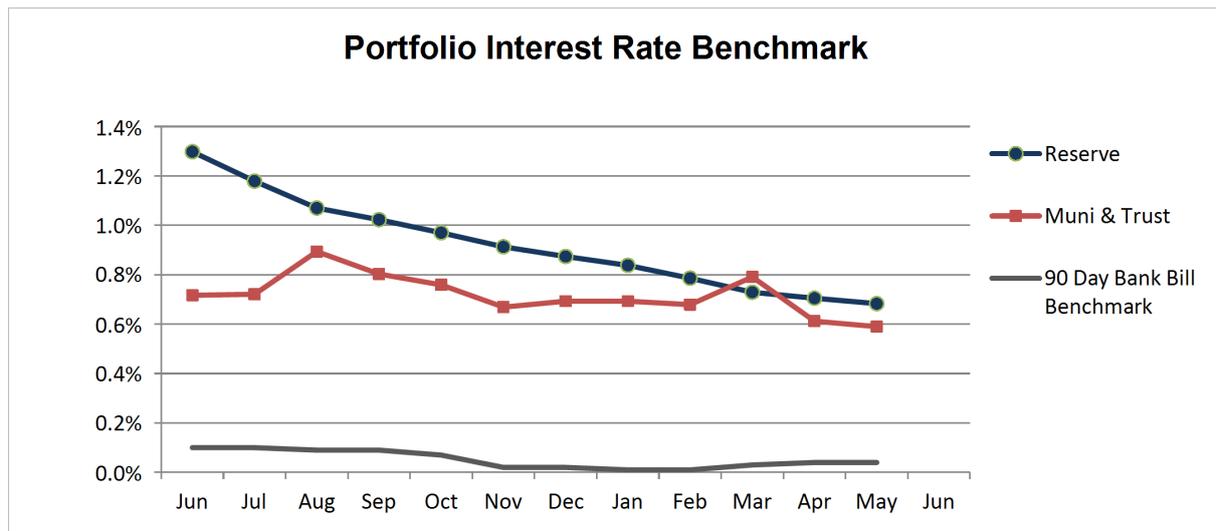
For the period ending 31 May 2021:

- Investment earnings on Municipal and Trust Funds were \$199,405 against a year to date budget of \$246,125 representing a negative variance of \$46,721.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 May 2021 was 0.59% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

- Investment earnings on Reserve accounts were \$1,233,007 against a year to date budget of \$1,156,250 representing a positive variance of \$76,757. The variance is a result of larger reserve balances than anticipated.

The weighted average interest rate for Reserve account investments as at 31 May 2021 was 0.68% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2021 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.59% to 0.68% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

29% 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 28% in April 2021.

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

OFFICER RECOMMENDATION (6000)**NOTING**

That the Council notes the Investment Report for the period ending 31 May 2021.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2021 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of May 2021 and recommends that the Schedule of Accounts Paid be noted.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2021 (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 May including Payment Register numbers, Cheques: 794-795, Electronic Funds Transfers batches: 703-707, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 30 July 2021.

A total of \$9,916,769 direct creditor payments were paid during the month, of which, 12% of payments were paid to suppliers located within the City of Melville and 18% to suppliers within the South West Group, compared to 29% and 35% of total of \$6,383,443 direct creditor payments made over April 2021 respectively. The biggest payment of \$1,834,748 made during the month was the regulatory fees and government charges to the Department of Fire and Emergency Services. Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE		
MAY 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 794 and 795	\$14,192.87
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
Electronic Funds Transfers	EFT Payment Register No. 703,705 and 707	\$9,607,360.21
	EFT Payment on Restricted Funds Register No. 107, 704 and 706	\$187,153.39
	Less Cancelled EFTs	(\$282.69)
		\$9,808,423.78
Direct Debits	Bank Fees	\$11,043.86
	Ampol Fuel	\$78,725.31
Direct Payments		\$18,576.76
	Total Direct Creditor Payments	\$9,916,769.71
Payroll	Total Pay 23 and 24	\$3,597,400.65
	Total Payroll	\$3,597,400.65
Cards	Corporate Cards	\$17,669.99
	Purchase Cards	\$61,459.79
	American Express	\$2,528.82
	Total Card Payments	\$81,658.60
Total Direct Creditor Payments from Municipal Account		\$13,595,828.96

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2021 (REC) (ATTACHMENT)

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS		
<i>Interfund Transfers</i>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$9,857,340.70)
Reserve		\$9,857,340.70
Trust		\$0.00
<i>Total Interfund Transfers</i>		\$0.00
<i>New Municipal Investments</i>		
Westpac Bank	3/05/2021	\$800,000.00
Westpac Bank	7/05/2021	\$500,000.00
Westpac Bank	18/05/2021	\$1,200,000.00
Westpac Bank	19/05/2021	\$500,000.00
Westpac Bank	20/05/2021	\$2,100,000.00
Westpac Bank	26/05/2021	\$1,100,000.00
Westpac Bank	27/05/2021	\$2,800,000.00
Westpac Bank	28/05/2021	\$1,700,000.00
<i>Total New Investments</i>		\$10,700,000.00
Grand Total		\$24,295,828.96

Details of the payments are shown in attachment [6001 Payment Details May 2021](#).

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2021 (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$24,295,828.96.

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

OFFICER RECOMMENDATION (6001)**NOTING**

That the Council notes the Schedule of Accounts paid for the period May 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details May 2021](#).

C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 May 2021 and recommends that they be noted by the Council. • The variances for the month of 31 May 2021 and recommends that they be noted by the Council. • The Budget amendments required for the month of 31 May 2021 and recommends that they be adopted by Absolute Majority decision of the Council.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 31 May 2021 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The Municipal cash balance at the end of the month is \$38.4m. This reflects that the City has a positive financial position to meet its obligations.
- There was no change in investment holdings in reserve accounts, compared to the reserve investment holding of \$147m in May 2021. 79% of the City's investment holdings are held in reserve accounts which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 31 May 2021 was \$54,500,000 or 29% of total investment holdings, compared to \$54,500,000 (28%) in April 2021.
- During May, budget amendments were made to reflect reallocation of funds, additional expenditure funded by new grant income and changes to budgets of capital works projects and the corresponding impact on the reserve funding for those projects.
- Rates raised year to date were \$81,424,176 with a positive variance of \$43,945 compared to the year to date annual budget of \$81,380,231. Rates collection progress for May is at 93.2% which is below the month end target of 93.6%.
- Total debtor collections for May equalled \$1,282,689. The year to date total outstanding debtors (including all rates and sundry debtors) is \$8,847,641. The YTD cash collection of \$109,582,092 from total debtors is lower than the cash collection of \$123,851,113 during the same period in the previous year. The rates raised in 2020-21 were lower due to COVID -19 concessions; hence the amount collected is also lower.
- Total waivers under the Community Stimulus Package adopted by Council on 9 April 2020, is \$1,021,464 over multiple financial years. There were no new waivers during May 2021.

DETAIL

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

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

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY for May 2021 (AMREC)
(ATTACHMENTS)**

Variations

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

[6002C Statement Sub Program May 2021](#): Rate Setting Statement by Sub-Program
[6002H Statement of Variations May 2021](#): Statement of Variations in Excess of \$50,000

Revenue

Rates raised as at May were \$81,424,176, compared to a year to date budget of \$81,380,231. The positive variance of \$43,945 is made up of minor variances.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,327,864	102,186,992	0%	116,209,018	-12%
Payments Received	(103,612,939)	(102,670,621)	1%	(112,284,237)	-8%
Closing Balance	7,857,412	8,658,857	-9%	10,532,462	-25%

Total rate debtor collections for the month equalled \$942,318.

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	5,703,088	5,295,544	8%	7,642,095	-25%
Receipts	(5,969,153)	(5,628,782)	6%	(6,830,417)	-13%
Prepayments	17,429	19,193	-9%	32,399	-46%
Closing Balance	990,229	924,821	7%	1,276,950	-22%

Sundry debtor balances increased by \$65,408 over the course of May from \$924,821 to \$990,229 of which the total 90 day sundry debtors over \$1,000 for the month is \$288,115, representing 29% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2021.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)****Budget Amendments**

Details of Budget Amendments requested for the month of May 2021 are shown in attachment [6002J May 2021](#). Variances greater than \$50,000 processed in May 2021 are highlighted in the attachment.

Granting of concession or writing off debts owed to the City

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

There were two debts written off for the month of May 2021.

\$3,829.50 was written off for historic waste charges due to changes in charges with no notice given to the customer.

\$363.60 was written off for waste services as repeated attempts to contact the debtor were unsuccessful.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)**

The following attachments form part of the Attachments to the Agenda for the month of May 2021.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	6002A Statement Nature Type May 2021
Rate Setting Statement by Program	6002B Rate Setting Program May 2021
Rate Setting Statement by Sub-Program	6002C Rate Setting Sub Program May 2021
Representation of Net Working Capital	6002E Net Working Capital May 2021
Reconciliation of Net Working Capital	6002F Reconciliation Net Working Capital May 2021
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	6002H Notes Rate Setting Statement May 2021
Details of Budget Amendments requested	6002J Budget Amendments May 2021
Summary of Rates Debtors	6002L Summary Rate Debtors May 2021
Graph Showing Rates Collections	6002M Rates Collections Graph May 2021
Summary of General Debtors aged 90 Days Old or Greater	6002N General Debtors Aged 90days May 2021

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)**

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment [6002H Notes Rate Setting Statement May 2021](#): Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2021 (AMREC)
(ATTACHMENTS)**

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 May 2021.

OFFICER RECOMMENDATION (6002)

NOTING and ABSOLUTE MAJORITY

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 May 2021 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	6002A Statement Nature Type May 2021
Rate Setting Statement by Program	6002B Rate Setting Program May 2021
Rate Setting Statement by Sub-Program	6002C Rate Setting Sub Program May 2021
Representation of Net Working Capital	6002E Net Working Capital May 2021
Reconciliation of Net Working Capital	6002F Reconciliation Net Working Capital May 2021
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	6002H Notes Rate Setting Statement May 2021
Details of Budget Amendments requested	6002J Budget Amendments May 2021
Summary of Rates Debtors	6002L Summary Rate Debtors May 2021
Graph Showing Rates Collections	6002M Rates Collections Graph May 2021
Summary of General Debtors aged 90 Days Old or Greater	6002N General Debtors Aged 90days May 2021

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for May 2021 [6002J Budget Amendments May 2021](#)**

15. EN BLOC ITEMS
16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED
19. CLOSURE