



City of
Melville

MINUTES

ORDINARY MEETING OF THE COUNCIL

6.30pm Tuesday, 20 September 2022

Held in the Council Chambers, Melville Civic Centre
10 Almondbury Road Booragoon

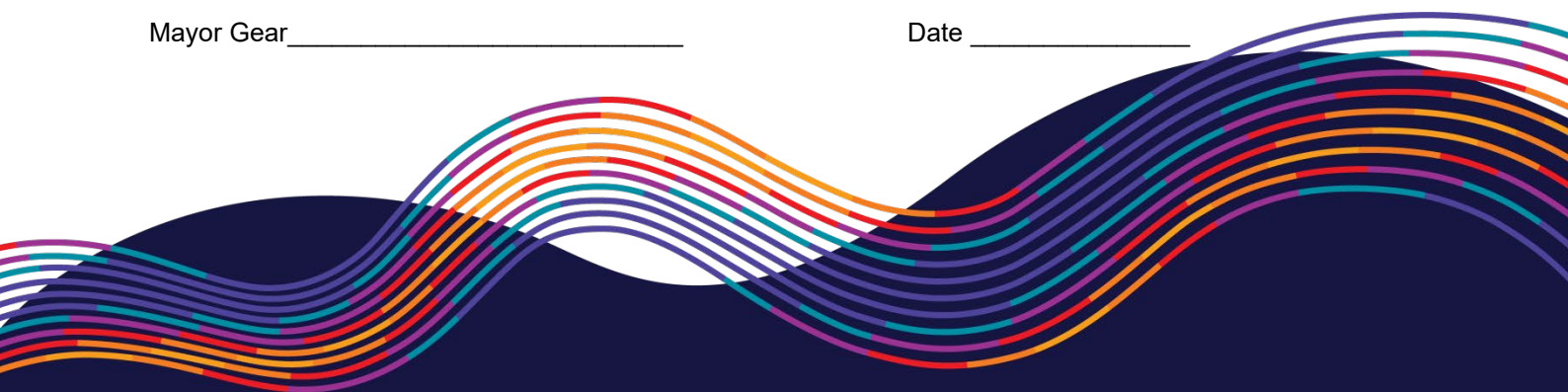
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby confirmed as true and accurate

Mayor Gear _____

Date _____



Our Vision

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

Our Mission

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

Our Values

Excellence

Striving for the best possible outcomes

Participation

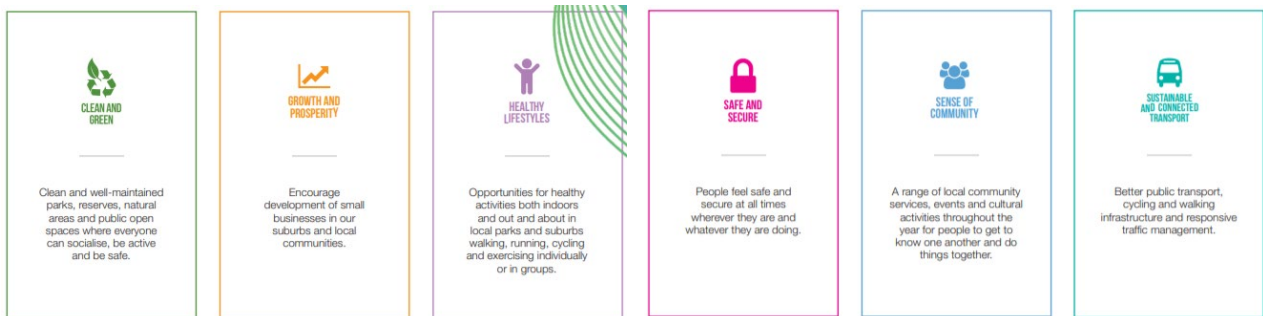
Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



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Audio Recording/ Access to Recording

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

CONTENTS

Attendance and Apologies	4
Public Question Time	6
Confirmation of Minutes	10
12.1 Petition – 18A and 18B Tweeddale Road, Applecross	12
12.2 Petition – Freedom of Information	13

REPORTS FROM COMMITTEES

Nil.

REPORTS

Item Brought Forward

E122/4004	Petition – Alignment of Attadale Foreshore Path and Amendments to the Attadale Alfred Cove Foreshore Master Plan	15
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Management Services

M22/5933	Legal Advice Relating to Petitions and Planning Decisions	26
M22/5000	Common Seal Register	32

Corporate Services

C22/5930	Policy Review - Corporate Services - CP-030 Environmental Policy and CP-039 Quality Policy	35
C22/5931	Appointment of Persons to Withdraw Infringements (Litter Act 1979)	40
C22/5934	Appointment of External Member of the Financial Management Audit Risk and Compliance Committee	45
C22/6000	Investment Statements for July 2022	51
C22/6001	Schedule of Accounts Paid for July 2022	58
C22/6002	Statements of Financial Activity for July 2022	62

Community Development

Nil

Environment and Infrastructure

E122/4002	Underground Power Program – Memorandum of Understanding Willagee/Myaree/Melville Project	70
E122/4004	Petition – Alignment of Attadale Foreshore Path and Amendments to the Attadale Alfred Cove Foreshore Master Plan (Item Brought Forward)	79

Urban Planning

UP22/4003	New Local Planning Policy 1.22 Construction Management Plans	80
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MOTIONS

With Previous Notice

15.1	Update to August Ordinary Meeting of Council – 14 Beach Street Motion Documents	88
15.2	Advertising	89
15.3	Council Chamber Video Coverage (Item Deferred)	90
15.4	Decibel Monitoring Devices in Public Venues (Item Deferred)	90

Without Previous Notice

Nil.

MATTERS FOR WHICH THE MEETING WAS CLOSED

M22/5924	Organisational Review and Transformation Vision	92
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1 OFFICIAL OPENING

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

2 ATTENDANCE AND APOLOGIES

In Attendance

Mayor Hon. George Gear

Councillors

Cr T Fitzgerald (Presiding Member)
Cr K Wheatland
Cr N Pazolli
Cr D Macphail
Cr N Robins
Cr G Barber
Cr J Edinger
Cr J Spanbroek
Cr M Woodall
Cr M Sandford

Ward

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

Officers

Mr M Tieleman	Chief Executive Officer
Mr A Ferris	Director Corporate Services
Mr M McCarthy	Director Environment and Infrastructure
Mr P Prendergast	Acting Director Urban Planning
Ms G Bowman	Director Community Development
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	9
Electronic	3
Press	0

Apologies

Cr C Ross	Applecross – Mount Pleasant
Mr S Cope	Director Urban Planning

On Approved Leave of Absence

Cr K Mair	Central Ward
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At 6:32pm the Mayor made the following statement:

“Elizabeth the second, by the grace of God Queen of Australia and her other realms and territories, head of the Commonwealth.

On the day of her coronation in 1953, her majesty pledged a life of service, and throughout her long reign was steadfast and enduring in her commitment to public service. Very few of us recall a time before her majesty was Queen, but we will all remember her grace, stability and dedication for more than seven decades, in a world that changed significantly.

We give thanks for the service Queen Elizabeth II gave throughout her life and on behalf of the residents of the city of melville we pass on our deepest condolences to the family.”

At 6:32pm One Minute of Silence was observed for Her Majesty Queen Elizabeth II.

3 DECLARATIONS BY MEMBERS

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

- Cr Sandford, Cr Pazolli and Cr Spanbroek advised the meeting they had not given due consideration to the public submissions provided for Item UP22/4003 New Local Planning Policy 1.22 Construction Management Plans.

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

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

- **Ms M Matassa (Swan Estuary Reserves Action Group Inc.)**
Item EI22/4044 – Petition – Alignment of Attadale Foreshore Path and Amendment to the Attadale Alfred Cove Foreshore Master Plan

Approved Written Submissions:

Nil.

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

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

Nil.

5.2 Disclosure of Interest That May Cause a Conflict

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

Nil.

6 PUBLIC QUESTION TIME

At 6:36pm the Mayor opened Public Question Time.

6.1 Questions Received with Notice

6.1.1 Mr M FitzGibbon, Melville

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

Question 1

C22/5930...Quality Policy Having been awarded an Excellence Award in 2017, and a Gold Award in 2015, by the Australian Business Excellence Framework for the City of Melville management systems, and in the light of an apparent breakdown of systems with many instances of recent underground connected lighting poles hazardously abutting footpaths, rather than having Austroads and City Verge Policy and Guidelines clearance of 300mm minimum (1 metre desired) between footpath and lighting poles, for example, and observation that the CP-039 Quality Policy has not been reviewed for 4 years, rather than every 2 years, does the City possess "current" third party accreditation of its management system?

Response

The Policy was last reviewed by Council on 19 June 2018. The City maintains its third party accreditation and has the next re-certification audit scheduled for October 2022

6.1.2 Mr A O'Neill, Citizens for Building Reform (WA)

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

Question 1

CBR WA along with the wider community; is requesting a copy of the activity program, with milestones, that the City management is working to in order to best ensure that an independent building surveyor will have their report available, along with an accompanying report by City management for initial consideration by elected members at October's ABF (11 October?)?

Question 2

That the City release to ratepayers and elected members its program schedule (including milestones) that it is working to in order to see a report back to council (which has to include the independent building surveyor's report) in time for October's OMC which effectively means for October's agenda briefing forum of 11 October?

Response to question 1 and 2

City Officers are working on the actions required to implement the resolution from the August 2022 Council resolution to appoint an independent Building Surveyor to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and will provide a report to the 18 October 2022 Ordinary Meeting of Council as directed.

Given the tight timeframe in which to undertake the required a late item may be presented to the October meeting, which may or may not be able to be presented to the 11 October Agenda Briefing Forum. Elected Members will be kept informed of the progress either at an Elected Member Engagement Session or via the weekly Elected Member Engagement Session.

Part of this action requires the City to engage with and advise all stakeholders in relation to this matter. As the above question relates to operational information regarding private properties, Mr O'Neill can make application for access to information via the Freedom of Information process.

Question 3

Has the Glenn Flood Group in its role of undertaking Phase II of the organisational review of the City's performance been provided with a copy of these minutes [17 March 2022 Meeting between Building and Energy and Weir Consulting] in conjunction with the Weir report?

Response

No, Glenn Flood Consulting Group has not been provided a copy of the minutes. They have been provided with appropriate material for them to conduct the review, with the focus of the review being on the capacity and capability of the directorate.

6.2 Questions Received at the Meeting

6.2.1 Mr M McLerie, Bicton

A summary of the questions asked by Mr McLerie and the Responses provided below relating to:

- *a petition that he submitted asking for an independent review of complaints dating back to 2012 relating to the City's planning and building functions*
- *the Weir Legal and Consulting Report dated 17 September 2021 which was a review by the independent consultant into complaints relating to building and planning issues raised by two residents.*

Question 1

Why is it taking CEO Tieleman so long since September 2021 to provide a report to Council on the Review; and when will he comply with Council's 4 April 2022 motion by providing a report to Council on the findings, conclusions, recommendation and proposed forward remediation actions for Council's decisions?

Response

The Chief Executive Officer advised that Elected Members have received monthly updates on the progress of the recommendations. The report will be considered at an Elected Member Engagement Session prior to the final report being considered by the Council at the October or November Ordinary Meeting of Council.

Question 2

What is the forward plan, decisions, schedule, and cost to make the necessary substantive and sustainable changes to the Urban Planning Directorate to fix the mess and address the root causes of the persistent issues?

Response

The Chief Executive Officer advised he had initiated an organisational review of the Directorate as he has responsibility for the structure of the organisation. The focus is on the capability and capacity of the Directorate.

6.2.2 Mr S Wallace (City of Melville Residents and Ratepayers Association Inc.)

Questions have been received about the Phase 2 Organisational Review of the City's Urban Planning Directorate

Question 1

- Has the work been completed, if not what is the forward schedule of activities to complete the work?*

Response

The Director Corporate Services advised the work has not been completed. The expected completion date is November 2022.

6.2.2 Mr S Wallace (City of Melville Residents and Ratepayers Association Inc.), continued.

Question 2

- b) *When will a report on findings, conclusions and recommendations and actions be put to be presented to Council for their decisions?*

Response

The Director Corporate Services advised the organisational review was initiated by the Chief Executive Officer (CEO) who has responsibility for the structure of the organisation. The CEO will consider the report in the first instance.

Question 3

- c) *Will the report detail the root causes of the issues, failures and short comings of the existing Urban Planning Directorate under Mr Cope?*

Response

The Director Corporate Services advised the focus of the review is on the capability and capacity of the Directorate.

Question 4

- d) *What is the total cost of the work done on the report to date (external costs + internal resource allocation), and what is the expected future forecast cost?*

Response

The Director Corporate Services advised the total cost of the consultancy is estimated to be \$51,249. To date \$22,256 has been spent. We do not track the internal time.

6.2.2 Mr T Lubin (Friends of the Melville Bird Sanctuary)

Mr Lubin has asked a question relating to Item E122/4004 - Petition – Alignment of Attadale Foreshore Path and Amendments to The Attadale Alfred Cove Foreshore Master Plan.

Question

It is my understanding that current Attadale Foreshore buffers are 8-10 metres wide and that wider foreshore buffers of 25-30 metres have been recommended in the Master Plan and DBCA to help with erosion mitigation, limit nutrients entering the river and improve wildlife and birdlife habitat. Will what is being requested by the petitioners in terms of retaining and revegetating the 8-10 metres foreshore buffers [between Haig and Roberts Roads] suffice to ensure the future health of the river and its birdlife including migratory birds whose habitat and individuals are protected under international agreements and treaties?

6.2.2 *Mr T Lubin (Friends of the Melville Bird Sanctuary), continued/*

Response

The Director Environment and Infrastructure advised that the 25-30m foreshore buffer recommended in the Master Plan is consistent with DBCA recommendations for this location and in areas where there is sufficient foreshore space to enable setbacks to be established. The increased setback will provide additional bird and native fauna habitat, whilst providing greater resilience for foreshore stability and improve the health of the river system. This would also benefit bird species that utilise such habitat, including migratory species protected by Agreements.

6.3. Questions Taken on Notice at Previous Meeting

Nil.

At 6:49pm the Mayor closed Public Question Time.

7 AWARDS AND PRESENTATIONS

Nil.

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:50pm Cr Wheatland moved seconded Cr Sandford –

That applications for new leave of absence submitted by Cr Macphail, Cr Robins and Cr Barber on 20 September 2022 be received.

At 6:50pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

9 CONFIRMATION OF MINUTES

9.1 ORDINARY MEETING OF THE COUNCIL – 16 AUGUST 2022
[OMC Minutes 16 August 2022](#)

COUNCIL RESOLUTION

At 6:50pm Cr Fitzgerald moved seconded Cr Macphail –

That the minutes of the Ordinary Meeting of Council held on 16 August 2022 be confirmed as a true and accurate record.

At 6:50pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

9.2 NOTES OF AGENDA BRIEFING FORUM – 13 SEPTEMBER 2022
[Notes ABF 13 September 2022](#)

COUNCIL RESOLUTION

At 6:51pm Cr Wheatland moved seconded Cr Edinger –

That the notes of the Agenda Briefing Forum held on 13 September 2022 be confirmed as a true and accurate record.

At 6:51pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

9.3 GOVERNANCE COMMITTEE – 5 SEPTEMBER 2022

COUNCIL RESOLUTION

At 6:51pm Cr Fitzgerald moved seconded Cr Spanbroek –

That the Minutes of the Governance Committee Meeting held on Monday, 5 September 2022 be noted.

At 6:51pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

NB: Minutes to be confirmed at next meeting of the Governance Committee.

At 6:51pm with the permission of the Presiding Member, Cr Edinger addressed the Meeting:

“I advise the meeting that:

A complaint was made to the Local Governments Standard Panel, in which it was alleged that I contravened Division 4 of the Local Government (Model Code of Conduct) Regulations 2021 when I made certain comments on Facebook regarding Mr Kepert, who was then an elected member of the City of Melville.

The Panel found that I breached regulation 18 of the said Regulations.

I accept that I should not have made the disparaging comments regarding Mr Kepert.

I now apologise to Mr Kepert, my fellow Councillors and the public.”

10 NEW BUSINESS OF AN URGENT NATURE

Nil.

11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Item E122/4002 - Underground Power Program – Memorandum of Understanding Willagee/Myaree/Melville Project
- Item M22/5924 – Organisational Review and Transformation Vision

12 PETITIONS

12.1 Petition – 18A and 18B Tweeddale Road, Applecross

A petition signed by 6 residents of the City of Melville was received on 5 September 2022 and reads as follows:

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

OFFICER RECOMMENDATION

At 6:53pm Cr Sandford moved, seconded Cr Edinger –

That the petition bearing 6 signatures of residents be acknowledged and a report be prepared.

At 6:55pm during discussion and debate, the mover and seconder consented to the inclusion of the following words at the end of the sentence *“and presented to the Ordinary Meeting of Council 15 November 2022”*.

COUNCIL RESOLUTION

At 6:53pm Cr Sandford moved, seconded Cr Edinger –

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

At 6:55pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

12.2 Petition – Freedom of Information

A petition signed by 20 residents of the City of Melville was received on 5 September 2022 and reads as follows:

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

- a) Direct the CEO to arrange, as a matter of priority within 2 months, for the Information Commissioner (IC) or their representative to meet with Council to ensure all Elected Members are fully informed on the principles of Open Government, the FOI Act intent and objectives and the City’s obligations therein, and the IC’s perspective on the City’s performance and other issues since 2015.*
- b) Cause an independent review of the City’s FOI administrative processes and performance since 2015 to be conducted, and a report with recommendations for improvement to be put to the 6 (sic) December 2022 ordinary meeting of Council. The review should include, amongst other things, the age of all applications upon finalization, applicant feedback, summary of performance blockers, proposed KPIs and public reporting of such, and the effectiveness of Council’s oversight and governance.”*

OFFICER RECOMMENDATION

At 6:55pm Cr Edinger moved, seconded Cr Fitzgerald –

That the petition bearing 20 signatures of residents be acknowledged and referred to the Financial Management, Audit, Risk and Compliance Committee for consideration and report.

At 6:59pm during discussion and debate, the mover and seconder consented to the inclusion/deletion of the word “next” before “Financial Management, Audit, Risk and Compliance Committee”.

COUNCIL RESOLUTION

At 6:55pm Cr Edinger moved, seconded Cr Fitzgerald –

That the petition bearing 20 signatures of residents be acknowledged and referred to the next Financial Management, Audit, Risk and Compliance Committee for consideration and report.

At 6:59pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

13 ADOPTION OF RECOMMENDATIONS EN BLOC

COUNCIL RESOLUTION

At 6:59pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the recommendations for:

- **M22/5000 – Common Seal Register**
- **C22/6000 – Investment Statements for July 2022**
- **C22/6001 – Schedule of Accounts Paid July 2022**

be carried En Bloc.

At 7:00pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

14 REPORTS

14.1 Reports from Committees

Nil.

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:00pm the Presiding Member Brought Forward Item EI22/4044 – Petition – Alignment of Attadale Foreshore Path and Amendment to the Attadale Alfred Cove Foreshore Master Plan for the convenience of those in the public gallery giving a deputation.

At 7:00pm Ms M Matassa commenced a deputation.

Procedural Motion

COUNCIL RESOLUTION

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

That Ms Matassa be granted an extension of time of 5 minutes.

At 7:10pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 7:15pm the deputation concluded and Ms Matassa returned to the Public Gallery. [Presentation Ms Matassa EI22 4004](#)

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

Ward	:	Bicton – Attadale – Alfred Cove
Category	:	Operational
Subject Index	:	Reserve Vegetation
Customer Index	:	Environment and Infrastructure
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item 12.1 Petition – Amendments to the Attadale Foreshore Master Plan Recommendations – Ordinary Meeting of Council held 19 July 2022.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Bird Manager Natural Areas and Parks

E122/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<ul style="list-style-type: none"> ▪ Receipt of petition and request to retain the alignment of the foreshore path in Attadale on its current alignment and install elevated boardwalk to avoid future erosion risks was received on 28 June 2022. ▪ Current and future situation regarding foreshore condition and erosion in the Attadale area. ▪ Roles and responsibilities of the Department of Biodiversity, Conservation and Attractions (DBCA) and the City of Melville (City). ▪ Outcomes of discussions to date with DCBA and subsequent presentation by DBCA and independent coastal engineer to an Elected Member Engagement Session (EMES) on 23 August 2022. ▪ Options considered in relation to the Attadale foreshore pathway and future climate change impacts. ▪ Explanation of the final recommendation from officers based on advice from coastal engineer, position on feedback received from DBCA and recommendations in the Attadale Alfred Cove Foreshore Master Plan (AACFMP).
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EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

BACKGROUND

A Petition signed by 124 residents and 19 non-residents was received on 28 June 2022 in relation to the Attadale Alfred Cove Foreshore Master Plan (AACFMP). The petition was presented to the 19 July 2022 Ordinary Meeting of Council. The Council acknowledged the petition and requested that a report be presented to the September 2022 Council Meeting.

The Attadale foreshore area incorporates an internationally recognised Class A Marine Reserve (Swan Estuary Marine Park), a Bush Forever site, (331 – Blackwall Reach, Point Walter, Alfred Cove and adjacent bushland, Bicton to Applecross) and regionally significant public open space with associated infrastructure including a shared use pathway, sporting fields and playgrounds. The Attadale foreshore area has a Development Control Area designation, which requires any development proposals or infrastructure works to be referred to DBCA for assessment and approval.

The Swan Estuary Marine Park lies adjacent to the land managed by the City in the Attadale foreshore including the Attadale dog park, bushland, and grassed areas. DBCA manages the river within the marine park boundary and the immediate foreshore areas adjacent to the marine park as well as the nearby Alfred Cove Nature Reserve. The land the City manages is crown land and the management is governed by Management Orders issued by the State Government for the various parcels of land.

The Master Plan contains several recommendations developed after extensive community consultation, that are to be investigated and implemented in stages.

Three requests were received via the community Petition in response to the AACMP:

1. That the alignment of the existing foreshore pathway and fence line along the northern shoreline of the Attadale Bushland be retained and an elevated boardwalk be installed to replace the pathway extending through to the 'dog wet' area at the west end of the marine park, connecting to the Point Walter pathway.
2. That the existing northern foreshore pathway alignment and fence along the dog exercise area between Haig Road and Roberts Road be retained.
3. That the City of Melville work with DBCA and the community to establish increased foreshore protection for both these pathways, by way of propagating sedges and including temporary protective barriers until new vegetation is stabilised.

The stated purpose of the Petition is to amend the relevant recommendations contained within the AACFMP and to specifically:

- Design and place a suitable boardwalk along the foreshore, appropriately elevated to allow movement of waterbirds and such to nest and feed. The structure can be used to support vegetation and allow for surge protection. The proposed boardwalk location is along the foreshore section adjoining the Attadale Bushland between Roberts Road and Page Street, generally aligned with the current foreshore path.
- Retain the pathway and fence alignments along the dog exercise area to remain as is, noting that the proposal to widen the foreshore buffer to 30 metres is long-term and aspirational.
- Priority needs to be considered for revegetating this section of foreshore using sedges to hold storm damage surges, boat wake and wave action.

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

DETAIL

Attadale Foreshore Pathway History

The pathway between the Attadale Bushland Reserve and the river has experienced erosion problems for several years with increasing severity over recent years. The summary below provides an outline of recent history.

- Original construction early 1990s as narrow black bitumen path.
- Reconstructed in red bitumen 2003-2004 as a wider shared path.
- In 2011, extensive erosion of an 85-metre section of the shared use pathway at Attadale occurred after winter storms.
- Consultation with DBCA over several potential options (including installing a boardwalk and hard engineering to protect the path) resulted in a managed retreat being agreed upon.
- Managed retreat involves removing infrastructure, restoring the natural foreshore function through revegetation with native species and then letting the river takes its natural course.
- The proposal to install a boardwalk to replace the section of path was not supported by DBCA at this time due to the regular inundation at the site and the predicted increase in erosion over time continuing to affect any infrastructure in the area.

- The City arranged for the removal of the eroded section of path followed by revegetation of the area. A new shared use pathway was installed around the southern side of the Attadale Bushland Reserve to retain community access.
- The remaining 280m of Attadale pathway adjacent to the foreshore has continued, and will continue, to erode. In 2021, a further 100 metres of path eroded to the point that it was unsafe for the public.
- Temporary works to repair the path were undertaken to keep the path open until a final decision is made on the future of the remaining section of pathway.
- Several sections of the path either side of the recently repaired section of path were damaged by a storm in August 2022. This damage is currently being assessed by the City, in consultation with DBCA, to determine repair options and costs.

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

Attadale Alfred Cove Foreshore Master Plan

At the March 2022 Ordinary Meeting of Council, the Attadale Alfred Cove Foreshore Master Plan (AACFMP) was acknowledged by Council. The image below represents the future vision for the nominated area as outlined in the AACFMP.



EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

The AACFMP recommendations for this area include:

- ABR-01 Construction of a boardwalk through the Attadale Bushland to connect into the existing boardwalk and western edge of the open space. Once the boardwalk is complete, the existing (repaired path) would be removed and the boardwalk would become the primary access way for pedestrians.
- ABR-02 Increase foreshore vegetation buffer approximately 25-30m from the foreshore edge (currently 8-10m). Implement foreshore stabilisation treatments and revegetation of foreshore. Relocation of the foreshore shared-use pathway to re-align with the new foreshore buffer and to be made from crushed limestone (or a similar accessible material) for passive walking. Inclusion of a fence to protect the revegetated area.

The design elements included in the plan for this area were developed following extensive and community wide consultation which resulted in a strong desire from the community to enhance the natural areas at this location. Changes to the AACFMP recommendations, as requested in the Petition, this may be perceived by the community as being contrary to the Master Plan objectives and undermining of the Master Plan consultation process.

Further information regarding the AACFMP is available on the City's website: <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/engagements/attadale-and-alfred-cove-master-plan>

The requests included in the Petition related to the proposed alignment of the boardwalk and retention of the existing path along the foreshore at Attadale dog park are at odds with several community led recommendations in the AACFMP, namely:

1. ABR-01: Boardwalk through Attadale Bushland
2. ABR-02: Rehabilitation and revegetation of the foreshore
3. ABR-03 Foreshore boardwalk
4. ABR-04 Water Sensitive Urban Design 'constructed wetland'
5. ARE-01: Rehabilitation and revegetation of the foreshore
6. ARE-06 Daylight drain/swale
7. WF-01: Revegetation of the foreshore buffer
8. WF-02: Treatment of the foreshore edge

DBCA Advice

The DBCA provide an advisory and approvals role over the Swan Canning Riverpark and its associated Development Control Area.

The DBCA are currently developing a new Swan Canning Locality Policy and the Melville Water *Dootanboro* Locality Plan which is planned to be adopted as policy to support the implementation of the *Swan and Canning Rivers Management Act 2006*. The Plan is to be given due regard in relation to strategic and statutory planning that may affect the river and the City will be bound by whatever terms DBCA eventually adopt.

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

The draft Locality Plan includes the following desired development outcomes:

- Move pathways away from the river's edge to create space for foreshore treatments and restoring riparian vegetation.
- Adapt current foreshore use, infrastructure, and management to allow for the river's natural 'flood retreat cycle' to occur. Ensure buildings around the foreshore are appropriately setback and other infrastructure within the reserve is designed to accommodate some inundation.
- Protect riverbank vegetation and enhance the green band of vegetation that abuts the river with local native species, including habitat trees, to create a continuous vegetated corridor through the locality.

DBCA do not support infrastructure, such as a boardwalk or pathway, so close to the river and foreshore unless there is no other reasonable alternative. This position was confirmed by DBCA's Manager Statutory Assessment as part of a presentation provided at the EMES on 23 August 2022. As the path and any future infrastructure adjacent to the Attadale bushland area is located on land managed by DBCA, support for, and approval of, such infrastructure is not likely to be achieved.

In addition, DBCA's Planning department has recently advised they are no longer permitting structures made of Fibre Reinforced Plastic (FRP) within the Swan Canning Riverpark. This means that future structures such as boardwalks or jetties will be limited to timber, metal or other similar materials and may cause issues in relation to material availability, cost, and maintenance requirements.

Traditional Owners

Traditional Owners were involved in the AACFMP consultation process and largely supported increasing the extent of revegetated foreshore areas and available habitat. Recent consultation undertaken on the Mount Henry Bridge Jetty project indicates that structures that need to be embedded into the riverbed will not be supported. This would also suggest that the boardwalk located along the river's edge would also not be supported by Traditional Owners due to the need to install footings.

Coastal Engineering Advice

Seashore Engineering (formerly Damara WA Pty Ltd) are an independent engineering firm who were advisors to the AACFMP consultancy team and have worked with the DBCA and the City on previous foreshore projects. The advice of Coastal Engineering Consultant, as communicated at a briefing provided at an EMES on 23 August 2022 was that it was not sustainable to be investing in infrastructure so close to the river, which would be subject to erosion impacts and damage related to sea level rise and more extreme weather events resulting from- climate change.

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Extensive stakeholder and community consultation and engagement was undertaken during the Attadale Alfred Cove Foreshore Master Plan development process.

The recommendation in the Master Plan, following this consultation, is to:

- Investigate the establishment of a boardwalk through the central section of Attadale Bushland.
- Once boardwalk is complete, remove the remaining 280 metres of pathway and revegetate the foreshore with native vegetation to help increase habitat and to protect the area from future erosion.

II. OTHER AGENCIES / CONSULTANTS

All relevant agencies were included in the Attadale Alfred Cove Foreshore Master Plan consultation process.

STATUTORY AND LEGAL IMPLICATIONS

Relevant Acts and Regulations that apply to the City include:

- *Swan and Canning Rivers Management Act 2006.*
- *Conservation and Land Management Act 1984.*
- *Aboriginal Cultural Heritage Act 2021.*

FINANCIAL IMPLICATIONS

The continued investment in works to repair erosion and flooding damage caused by severe weather events is not considered sustainable or environmentally responsible.

Over the last eight years, it is estimated that the erosion of the path and restoration works costs are in excess of \$500,000 if officer time was included. This equates to about \$60,000 per year.

The summary below includes direct costs incurred over this period as a result of erosion damage and restoration since 2014.

Completed works 2014 - 2022	Cost
Removal of eroded section of path (85m)	\$30,000
Shared use path relocation	\$230,000
Revegetation of former path site 400m ² (not incl. staff time)	\$30,000
Installation of timber boardwalk across bushland to connect to new SUP (65m)	\$32,000
Temporary repairs to path in July 2022	\$36,000

The proposed Works Program for the Attadale Bushland Reserve foreshore and path based on advice from DBCA, independent coastal engineer advice and recommendations in the AACFMP are as follows:

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

Proposed works from 2023-2024 to 2025-2026	Cost
Undertake temporary path repairs to keep path open to the community	\$25,000
Prepare concept and detailed designs/costs, including consultation for the boardwalk through the Attadale Bushland*	\$80,000
Construct boardwalk through Attadale Bushland*	\$1,000,000
Removal of remaining section of path (280m) *	\$77,000
Revegetation project 2,000m2 (contractor installed) *	\$210,000

*Subject to further investigation and Council approval through annual budget process

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Loss of biodiversity	Moderate consequences which are likely, resulting in a High level of risk	Ensure that existing vegetated areas are protected, that revegetation is undertaken in bare areas and that regular ongoing monitoring and maintenance of the site is carried out.
Breach of statutory obligations	Major consequences which are likely, resulting in a High level of risk	Ensure observance of government policies and regulations. Ensure adequate consultation and necessary permits are obtained prior to any project works being undertaken.
Reputational damage due to not observing the City's own management strategies (including the Natural Areas Asset Management Plan, Urban Forest Strategy and the Climate Change Emergency Declaration)	Moderate consequences which are likely, resulting in a High level of risk	Ensure that the City's strategic plans and recommendations are implemented. Continue to engage with stakeholders and encourage community involvement in restoration works to engender interest in protecting the City's environmental assets.
Reputational damage due to not observing the outcomes of community consultation.	Moderate consequences which are likely, resulting in a High level of risk	Ensure that recommendations resulting from community consultation are adequately investigated and implemented.

POLICY IMPLICATIONS

1. Sustainability Policy CP-057 – Policy Statement:
'Meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity'
2. Environmental Policy CP-030 – Policy Statement:
'Prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City of Melville's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community'
3. Urban Forest and Green Space Policy CP-102 – Policy Statement:
'To realise the social, environmental and economic benefits of trees and other vegetation as an integral element of the urban environment.'

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option would be to not support the officer recommendation and approve the construction of an elevated boardwalk on the current alignment of the Attadale Bushland path along the river's edge. This option was not recommended by the independent coastal engineer, is unlikely to be approved by DBCA and would incur significant and ongoing costs to Council.

Another alternative option would be to do nothing, which would result in significant expenditure to undertake path repairs on an ongoing basis. This is considered neither financially responsible or sustainable over the medium and long term. The success of the revegetated section of path removed following the 2013 storm damage is testament to supporting the retreat and repair strategy consistent with DBCA advice and the AACFMP recommendations.

Regarding the Attadale dog park area, retaining the path in its current location over the longer term is inconsistent with the AACFMP recommendations and against the advice of DBCA and the independent coastal engineer.

CONCLUSION

As a result of the river being a dynamic natural system and the pressures being placed on the foreshore by rising water levels and more severe weather events, a managed retreat is considered the most viable and sustainable management response for this area. There is agreement from the DBCA, the major stakeholders in the management of this area, that the removal of the path is the best outcome for the environment.

The officers response to the three points outlined in the Petition is as follows:

1. *That the alignment of the existing foreshore pathway and fence line along the northern shoreline of the Attadale Bushland be retained and an elevated boardwalk be installed to replace the pathway extending through to the 'dog wet' area at the west end of the marine park, connecting to the to the Point Walter pathway.*

Response: This is not supported due to the high costs and high likelihood that an elevated boardwalk on the shoreline of the Attadale Bushland area would not be supported by DBCA who manage the majority of land containing the path. The extension of the elevated boardwalk through to the Point Walter path would not be supported as this area has been successfully revegetated and provides valuable foreshore protection and habitat.

2. *That the existing northern foreshore pathway alignment and fence along the dog exercise area between Haig Road and Roberts Road be retained.*

Response: The existing path adjacent to the Attadale dog Park will be retained for at least the next 10 years, however it is planned in the longer term to realign this path at the time the foreshore is extended and rehabilitated over the next ten to twenty years as recommended in the AACFMP.

3. *That the City of Melville work with DBCA and the community to establish increased foreshore protection for both these pathways, by way of propagating sedges and including temporary protective barriers until new vegetation is stabilised.*

EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)

Response: The City does, and will continue to, work with the DBCA and community to revegetate the foreshore for the purposes of establishing a stable foreshore edge and providing wildlife habitat in accordance with AACFMP recommendations and the City's Foreshore Restoration Strategy. This includes the use of sedges and other proven foreshore rehabilitation methods based on the specific requirements of the site. Temporary protective barriers have not proved to be effective in areas subject to extreme weather events and/or dynamic erosion forces and would only be considered if recommended by DBCA or specialist coastal engineers.

The City has a responsibility to provide environmentally sound solutions that provide value for money, fulfil its legal obligations, and satisfy community need for recreation, whilst protecting and enhancing the natural values of the area. The only option that satisfies all these requirements is the removal of the remaining section of foreshore path and revegetation of the space left behind to create a sustainable and resilient foreshore buffer to better respond to the impacts of climate change along this sensitive foreshore area.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4004)

APPROVAL

At 7:15pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Council:

- 1. Support the proposed Works Program 2023-2024 to 2025-2026 related to the Attadale foreshore pathway in line with DBCA, coastal engineer and AACFMP recommendations, subject to approval in the annual budget process.**
- 2. Support the continued implementation of its program of foreshore restoration and rehabilitation in line with the Foreshore Restoration Strategy and in consultation with DBCA, subject to approval in the annual budget process.**
- 3. Support continued investigations for the implementation of the recommendations contained in the AACFMP subject to approval in the annual budget process.**
- 4. Notes that the City is bound by land management decisions made by DBCA within the Development Control Area, including those in relation to buffer zones and path alignments.**
- 5. Notes the petition and advises, in writing, the lead petitioner of the Council resolution.**

At 7:28pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

Management Services

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

Ward : All
 Category : Executive
 Subject Index : Legal Advice
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item 16.1 Legal Advice Relating to Petitions and Planning Decisions – Ordinary Meeting of Council held 19 July 2022
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Peter Prendergast
 Acting Director Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- At the 19 July 2022 Ordinary Council Meeting, a Motion without Notice was supported that the CEO obtain legal advice to clarify the Council's powers and authority in relation to considering petitions in relation to planning related applications and refusals and the review of planning decisions finalised by Officers.
- Advice was sought from Thomson Geer and is presented to the Council as required by the July resolution.

BACKGROUND

City officers, including Senior Planning Officers, the Planning Services Coordinator and Manager Statutory Planning and Director of Urban Planning are granted delegation to make decisions and recommendations on a range of matters as outlined under DA-020 – Planning and Related Matters. In making a decision or recommendation City officers are required to take into account a range of matters including the provisions of *Local Planning Policy 1.1 Planning Process and Decision Making*.

Where an applicant is aggrieved by a decision or a condition of development approval, they can seek a review of this by the State Administrative Tribunal. There are no third party appeal rights in Western Australia meaning a neighbour or concerned resident is not able to seek a review of any planning related decision.

At the 19 July 2022 Ordinary Meeting of Council, a Motion without Notice was presented. The motion and the associated reasons are provided below for ease of reference:

“That the Council directs the CEO to obtain legal advice to clarify the Council’s power and authority:

- (a) to consider and grant or refuse requests in Petitions and specifically including requests relating to planning related applications and refusals;*
- (b) to review or alter planning decisions finalized by Officers but where the Applicant or Objector remains unsatisfied or seeks an internal review of the decision by the Council either by application to Council or by a Petition.*

and to provide a report to the 20 September 2022 Ordinary Meeting of Council or prior.”

The reasons in support of the motion that were provided were

1. There is a lack of clarity in the powers of the Council to grant or otherwise deal with Petitions and obtaining clarification will improve the City’s and Elected Members ability to advise potential petitioners and to deal efficiently, transparently and fully with petitions;

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

2. There is also a lack of clarity in relation to Councils powers and authority, if any, to conduct an internal review of planning decisions that are disputed. While applicants have a right to lodge an appeal to SAT, the SAT process requires the City to incur costs of attendance by officers and often mediation commences by SAT directing the City to review its decision in any event. A problem with that review, which may have adverse consequences for the City if challenged, is that the City's representative reviewing the decision is the same person who made the original decision and a review by the same person is a breach of the principles of natural justice. A review by Council avoids a breach by the City and may save time and costs.

Legal advice was sought from Thomson Geer and a copy of the [5933 Advice in Relation to Petitions and Planning Decisions](#) is attached.

DETAIL

Employees and Elected Members have respective decision-making responsibilities, when determining Planning Applications. Decisions are made by the City based on a delegated authority of the Western Australian Planning Commission and therefore must be based on sound Planning criteria. Determination of an application based on specific public perception or objection in relation to a Planning Application as well as reasons provided by the Council must be backed up with sound Planning rationale.

The role of Councillors as decision makers on behalf of the Local Government, including decisions taken in respect of Development Applications (DAs), is set out in the legislation provided by the *Local Government Act 1995*.

Here at the City of Melville, delegation to officers and to the Development Advisory Unit (DAU) is provided to enable planning decisions to be taken on behalf of the Council. Where decisions are not the subject of either of these delegations, a DA is determined by the Council.

The role of the Council in making decisions includes consideration of the information provided to it by the administration in the reports that are presented as part of the council agenda process. Where submissions are received from 3rd parties or where petitions are received as part of the associated consultation process, these are summarised and duly reported as part of the reporting process. Officer recommendations are made to the Council in respect of specific DAs, and it is the role of the Council, as decision maker, to accept or reject such recommendations. Where a recommendation of the administration is rejected and replaced with an alternative, it is the responsibility of the Council as decision maker to provide reasons to support the adopted position.

There is an expectation that decisions on DA's are taken in accordance with the planning policy framework as set by the State and Local Government. In addition, there is a presumption in favour of a development proposal where it is consistent with that policy framework. Where decisions are taken which are inconsistent with the planning policy framework and the planning expectations set by it, then the City may be exposed, particularly if a matter is the subject of a review by the State Administrative Tribunal.

In response to the request for legal advice relating to petitions and information on the review rights of the Council in relation to planning decisions that have been made, legal advice has been received.

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

The advice from Thomson Geer is set out in two parts to address paragraphs a) and b) of the Council resolution. The detail of this is summarised below:

Paragraph (a)

Clauses 1-7 of the legal advice set out the key issues in relation to dealing with petitions and outlines the limitations on Council's decision making. This advice is summarised in the following dot points:

- the *City of Melville Local Government (Meeting Procedures) Local Law 2022* sets out Councils powers to deal with a petition.
- the existence of a petition does not give the Council the power to ignore relevant facts or to have regard to irrelevant matters.
- where a decision has been made on a development approval and the applicant has been advised, the Council *'has no power to grant any request that might be contained in a petition to either amend or cancel the decision'*.

Paragraph (b)

Clause 8 of the advice notes that Council can not of its own motion, reconsider an application once a decision has been made and the applicant has been notified.

Clause 9 goes on to confirm there is no process for an internal review by Council. If an applicant is aggrieved by a decision, they have the option of submitting a fresh application with the City or seeking a review of the decision through the SAT. An objector does not have the right to seek a review of the decision through the SAT.

The only avenue for an objector who is unsatisfied with a decision on an application for development approval is to seek judicial review of that decision, by commencing proceedings in the Supreme Court.

STATUTORY AND LEGAL IMPLICATIONS

The *City of Melville Local Government (Meeting Procedures) Local Law 2022* sets out Councils powers to deal with a petition. The relevant clauses are repeated below for ease of reference:

"6.11 Petitions

(1) A petition is to –

- (a) be addressed to the Council;*
- (b) be in a form approved by the local government;*
- (c) be signed by at least 6 electors of the district;*
- (d) state the request on each page of the petition;*
- (e) contain the name, address and signature of each elector making the request, and the date each elector signed;*
- (f) not contain duplicate signatories;*
- (g) contain a summary of the reasons for the request;*
- (h) state the name of the lead petitioner to whom, and an address at which, notice to the petitioners can be given; and*
- (i) be respectful in its language.*

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

- (2) *Upon receiving a valid petition relating to a matter to be considered by Council, the local government is to ensure the petition is provided to the relevant employee for consideration in the report on the matter that is the subject of the petition.*
- (3) *On the presentation of a petition, the Council shall acknowledge the petition and –*
 - (a) *give due consideration to the petition when deliberating on the relevant matter listed on the same agenda; or*
 - (b) *refer it to a committee for consideration and report; or*
 - (c) *direct that a report on the matters raised be prepared by a date determined by Council; or*
 - (d) *take no further action.*
- (4) *At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless –*
 - (a) *the matter is the subject of a report included in the agenda; and*
 - (b) *the Council has considered the issues raised in the petition.*
- (5) *A summary of the petition, the name and suburb of the lead petitioner and the decision of Council under subclause (3) are to be included in the minutes of the meeting.”*

Provided petitions are dealt with in the manner noted above there are no statutory or legal implications that arise from this advice.

FINANCIAL IMPLICATIONS

Apart from the cost of obtaining the legal advice there are no financial implications relating to this matter.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications associated with this matter.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternative options have been considered or are suggested in relation to this matter.

**M22/5933 – LEGAL ADVICE RELATING TO PETITIONS AND PLANNING DECISIONS (REC)
(ATTACHMENT)**

CONCLUSION

The legal advice provided an explanation of the functions, powers, and limitations in relation to the Council consideration of petitions and for the Council to have regard to relevant considerations under administrative law, when making decisions, which include decisions on applications for development approval.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5933)

APPROVAL

At 7:28pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council notes the legal advice from Thomson Geer dated 8 August 2022.
[5933 Advice in Relation to Petitions and Planning Decisions](#)**

At 7:28pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

M22/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Program : Not applicable
 Funding : Not applicable
 Responsible Officer : 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 24 May 2022 up to and including 17 August 2022 for the Council's noting.

M22/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2200	City of Melville and Minister for Planning	Adoption of Amendment No.14 to Local Planning Scheme No. 6. The amendment proposes to rezone No. 45-47 Canning Beach Road, Applecross from R12.5 to R30.	6984629
CS2201	City of Melville and Amara 2018 Pty Ltd and Stadia Capital Alcoa Pty Ltd	Deed of covenant relating to the maintenance of the lakes behind the Alcoa Building.	7055082

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

(a) *the mayor or president; and*

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

M22/5000 – COMMON SEAL REGISTER (REC)

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 24 May 2022 up to and including 17 August 2022 for the Council's noting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)

NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 24 May 2022 up to and including 17 August 2022 for the Council's noting.

At 7:00pm the Mayor declared the motion

CARRIED EN BLOC (11/0)

Corporate Services

At 7:29pm the Mayor advised the meeting that some minor administrative changes had been made to [CP-039 Quality Policy](#) prior to the Ordinary Meeting of Council.

C22/5930 – POLICY REVIEW - CORPORATE SERVICES - CP-030 ENVIRONMENTAL POLICY AND CP-039 QUALITY POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Corporate Policy
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Alan Ferris Director Corporate Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- | |
|--|
| <ul style="list-style-type: none"> • The Quality and Environmental policies are due for review have been brought forward with amendments for consideration and adoption. • Policies that are defined as a Council Policy require the approval of the Council whereas Operational Policies are approved by the Chief Executive Officer. • This report recommends that the reviewed policies be adopted |
|--|

C22/5930 – POLICY REVIEW - CORPORATE SERVICES - CP-030 ENVIRONMENTAL POLICY AND CP-039 QUALITY POLICY (REC) (ATTACHMENT)

BACKGROUND

A two-yearly review cycle has been implemented to ensure all policies remain current. Officers have again reviewed Quality and Environmental Policies which are due for review.

DETAIL

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by the Council relate to:

- Strategic Positioning of the Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions.

This report provides comment on two of the policies under the responsibility of the Corporate Services.

A summary of changes made to policies is outlined below:

CP-030 Environmental Policy

- Clarification that the Environmental Policy scope has added urban planning to ensure all aspects of Council services are covered under this policy.
- The policy statement is updated to recognise climate change as a substantial risk and the Council is committed to reduce greenhouse gas emissions from its operations and assets.
- Strengthening the focus on climate change adaptation response to enhance City's resilience against climate change. Ensure priority is given to Climate Change whilst managing environmental risks, implementing relevant environmental standards and corporate plans across the City.

CP-039 Quality Policy

- Minor review, update of relevant version of the applicable standards and strengthening the approach.

STAKEHOLDER ENGAGEMENT

No public consultation or communication is applicable.

STATUTORY AND LEGAL IMPLICATIONS

This review of policies has particularly included references to legislation to support the policy position. The policies are consistent with the current *Local Government Act 1995*, relevant regulations and international standards (ISO 9001 and ISO 14001)

C22/5930 – POLICY REVIEW - CORPORATE SERVICES - CP-030 ENVIRONMENTAL POLICY AND CP-039 QUALITY POLICY (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for Council as a result of this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The process of policy review will serve to minimise both strategic and risk management implications by ensuring the policies are consistent with current legislation.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Administration undertakes functions delegated by Council in a manner not in accordance with the Council's objectives causing reputational risk Policies are not in compliance with legislative requirements or contemporary standard.	Minor to Major depending on the issue. Minor consequences which are possible, resulting in a Medium level of risk.	Ensure sound Council policies are in place that provide clear guidance to the administration. Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

These policies will be implemented in alignment with the City's Sustainability Policy and the newly developed Climate Action Policy.

CONCLUSION

The individual policies have been reviewed by senior officers and their amendments are consistent with the current provisions of the *Local Government Act 1995*, Regulations and applicable international standards. (ISO 14001 and ISO 9001).

OFFICER RECOMMENDATION (5930)

APPROVAL

At 7:29pm Cr Fitzgerald moved, seconded Cr Barber –

That the Council approves the amended Council Policies [CP-030 Environmental Policy](#) and [CP-039 Quality Policy](#) and that these policies be published on the City's website.

C22/5930 – POLICY REVIEW - CORPORATE SERVICES - CP-030 ENVIRONMENTAL POLICY AND CP-039 QUALITY POLICY (REC) (ATTACHMENT)

Amendment

At 7:29pm Cr Sandford moved, seconded Cr Edinger –

Amend the third paragraph of the Policy Statement contained in CP-030 Environmental Policy to read:

The City recognises that climate change also poses particular risks to the community and its assets and therefore must ensure an that the management of these risks will require an adaptation response to enhance City’s resilience against climate change. This includes a recognition that increased native revegetation and increased public open space is necessary in activity centres in particular to address the urban heat island effect of increased density, to mitigate against flooding and erosion, and to address the mental and physical health and social needs of residents and the community.”

At 7:30 Mr Prendergast left the meeting and returned at 7:32pm.

Procedural Motion

At 7:35pm Cr Spanbroek moved, seconded Cr Pazolli –

That the Item be deferred to the October Ordinary Meeting of Council on the 18 October 2022.

At 7:36pm the Mayor declared the motion

LOST (5/6)

Yes	5	Cr Barber, Cr Spanbroek, Cr Robins, Cr Pazolli, Cr Woodall
No	6	Cr Macphail, Cr Fitzgerald, Cr Edinger, Cr Wheatland, Cr Sandford, Mayor Gear

Amendment

At 7:29pm Cr Sandford moved, seconded Cr Edinger –

Amend the third paragraph of the Policy Statement contained in CP-030 Environmental Policy to read:

The City recognises that climate change also poses particular risks to the community and its assets and therefore must ensure an that the management of these risks will require an adaptation response to enhance City’s resilience against climate change. This includes a recognition that increased native revegetation and increased public open space is necessary in activity centres in particular to address the urban heat island effect of increased density, to mitigate against flooding and erosion, and to address the mental and physical health and social needs of residents and the community.”

C22/5930 – POLICY REVIEW - CORPORATE SERVICES - CP-030 ENVIRONMENTAL POLICY AND CP-039 QUALITY POLICY (REC) (ATTACHMENT)

At 7:40pm during discussion and debate, the mover and seconder consented to the inclusion of the words “for example this may include” to read “This may include a recognition that increased native revegetation and increased public open space is necessary in activity centres in particular to address the urban heat island effect of increased density, to mitigate against flooding and erosion, and to address the mental and physical health and social needs of residents and the community.”

Amendment

At 7:29pm Cr Sandford moved, seconded Cr Edinger –

Amend the third paragraph of the Policy Statement contained in CP-030 Environmental Policy to read:

The City recognises that climate change also poses particular risks to the community and its assets and therefore must ensure that the management of these risks will require an adaptation response to enhance City’s resilience against climate change. For example this may include a recognition that increased native revegetation and increased public open space is necessary in activity centres in particular to address the urban heat island effect of increased density, to mitigate against flooding and erosion, and to address the mental and physical health and social needs of residents and the community.

At 7:54pm the Mayor declared the motion

LOST (4/7)

Yes	4	Cr Barber, Cr Edinger, Cr Spanbroek, Cr Sandford
No	7	Cr Macphail, Cr Robins, Mayor Gear, Cr Pazolli, Cr Fitzgerald, Cr Woodall, Cr Wheatland

At 7:55pm during discussion and debate, the mover and seconder consented to the amendment of the Policy Owner of CP-030 Environmental Policy to be changed from Chief Sustainability Officer to the Chief Executive Officer.

COUNCIL RESOLUTION

APPROVAL

At 7:29pm Cr Fitzgerald moved, seconded Cr Barber –

That the Council approves the amended Council Policies:

- **CP-030 Environmental Policy subject to a further amendment that the policy owner be the Chief Executive Officer, and**
 - **CP-039 Quality Policy,**
- and that these policies be published on the City’s website.**

At 7:56pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

C22/5931 – APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENTS (LITTER ACT 1979) (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : 5.57 5A 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 : Not Applicable
 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 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>

C22/5931 – APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENTS (LITTER ACT 1979) (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The *Litter Act 1979* provides authorised persons with the power to enforce the Act, including serving infringement notices on people alleged to have committed an offence against that Act.
- Section 30(4a) of the Litter Act provides that infringements issued under that Act may only be withdrawn by sending a prescribed notice signed by a person appointed to withdraw infringement notices by the public authority on behalf of which the infringement was served. No appointment is currently in place.
- The Litter Act does not confer a power of delegation on the local government, so such an appointment must be made by the Council.
- The City rarely issues infringement notices under the Litter Act, preferring to take an educational approach, but it would be prudent to appoint persons permitted to withdraw infringements should this be necessary.

BACKGROUND

Section 30(4a) of the *Litter Act 1979* (Litter Act) requires notices of withdrawal of infringement notices to be signed by “a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served”.

During a review of current statutory appointments and authorisations, it was found that the City does not currently have a person appointed under the Litter Act to sign notices of withdrawal of infringements that have been served by authorised officers under section 30(1) of that Act.

The Litter Act does not provide local governments with the power to delegate, so the appointment of persons authorised to withdraw infringements must be done by the Council.

DETAIL

The Litter Act is unusual in that rather than providing for the appointment of specified authorised officers to undertake certain functions and exercise powers under the Act, it states (in section 26(1)(c)) that “any person who is an employee of the local government” is an authorised officer within the district of a local government.

The Litter Act provides authorised officers with a range of enforcement powers, including the power to serve an infringement notice on any person that the authorised officer believes has committed a prescribed offence (section 30(1)). Despite the very broad definition of authorised officer, in practice only the City’s rangers issue infringement notices for offences against the Litter Act.

In accordance with Council Policy CP-114 – Compliance and Enforcement Policy and the Compliance and Enforcement Guidelines, rangers use education as the preferred approach to minor offences. Infringements are issued only if that approach is insufficient to achieve compliance. Fewer than 5 infringements are issued annually under the Litter Act by the City of Melville.

C22/5931 – APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENTS (LITTER ACT 1979) (REC) (ATTACHMENT)

Section 30(4) of the Litter Act provides that an infringement notice served under section 30(1) may be withdrawn within 28 days of it being served. Section 30(4a) requires that the prescribed withdrawal notice be signed by “a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served”.

The Litter Act does not grant any delegation power to local governments, so such appointments must be made by the Council. There are no current appointments under s.30(4a) of the Litter Act and therefore no valid mechanism to withdraw Litter Act infringements.

Although the power may rarely need to be exercised, it is recommended that appointments be made as a risk management measure. An instrument of appointment (attached) has been drafted for Council’s consideration and approval.

STAKEHOLDER ENGAGEMENT

Relevant Directorates have been consulted regarding the use of enforcement powers under the Litter Act.

Public consultation was not undertaken as this is an internal matter related to the operational management and administration of the local government’s statutory powers, duties, and functions.

STATUTORY AND LEGAL IMPLICATIONS

Section 30(4a) of the Litter Act requires that a notice withdrawing an infringement notice may only be signed by “a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served”. No such appointments are currently in effect.

In the absence of a person with the authority to sign a withdrawal notice issued on behalf of the City, there is no valid mechanism to do so. A person wishing to dispute an infringement notice under the Litter Act would need to argue their case in the Magistrates’ Court.

The definition of the term “public authority” under the Litter Act includes “a local government within its district”. By convention, unless otherwise specified or made obvious by the context, the term “local government” in legislation is generally interpreted as referring to the Council when it is used in relation to a decision-making power.

Most legislation permits local governments to delegate their powers and duties, including the appointment of persons to perform specific functions, but the Litter Act does not confer a delegation power. Appointments made under section 30(4a) must therefore be made by the Council.

C22/5931 – APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENTS (LITTER ACT 1979) (REC) (ATTACHMENT)

This issue does not affect the City's ability to initiate or discontinue prosecutions under the Litter Act. It is limited to the withdrawal of infringement notices, and Council's role in this function is limited to appointing persons authorised to perform it.

Section 53 of the *Interpretation Act 1984* specifies that where a law confers a power to appoint a person to perform a function, the appointment may be made by appointing the holder of an office by the term designating that office. This shall be construed as the appointment of the person holding, acting in or lawfully performing the functions of the office. The advantage of appointing the holder of an office rather than an individual is that the authority to perform the function is not affected by staff movements.

Although it is not specifically required under the Litter Act, the proposed instrument of appointment has followed the usual requirement in other legislation that a person authorised to withdraw infringement notices should not also be authorised to issue them.

Since infringement notices under the Litter Act are issued by rangers and the Senior Ranger, it is recommended that the holders of the following positions be appointed to withdraw such notices:

- Chief Executive Officer,
- Director of Community Development,
- Manager Community Safety, and
- Coordinator Rangers and Emergency Management.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the appointment of employees authorised to withdraw Litter Act infringements.

Lack of authority to withdraw infringements may result in additional financial cost to the City because disputed infringements would need to be decided by a Magistrate. Prosecution would also impose unnecessary costs and distress on the person alleged to have committed the offence.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
An infringement served under the Litter Act may be unable to be withdrawn under s.30(4) of that Act despite circumstances justifying such a withdrawal, because the City has not appointed a person to do so. This would mean that a disputed infringement would need to be prosecuted in court.	Minor consequences that are unlikely – low risk	Appoint persons under s.30(4a) of the Litter Act with authority to exercise the power under s.30(4) to withdraw infringement notices issued by authorised officers under section 30(1).

C22/5931 – APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENTS (LITTER ACT 1979) (REC) (ATTACHMENT)

POLICY IMPLICATIONS

The City's employees manage enforcement functions under the Litter Act in accordance with CP-114 Compliance and Enforcement Policy and the Compliance and Enforcement Guidelines. The appointment of a person authorised to withdraw infringement notices is consistent with the policy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may decline to appoint a person with the authority to withdraw infringements issued under the Litter Act. This would mean that a person wishing to challenge the infringement would have to do so in the Magistrates' Court, incurring unnecessary cost and distress.

CONCLUSION

A review of statutory appointments and authorisations revealed that the City currently has no-one who has been appointed to sign notices of withdrawal of infringements issued under the *Litter Act 1979*. This appointment cannot be delegated to the CEO and must be made by Council. As a risk management measure, it is recommended that Council appoint appropriate persons under section 30(4a) of the Litter Act, as set out in the attached Instrument of Appointment.

[5931 Instrument of Appointment \(Litter Act 1979\)](#)

At 7:58pm Cr Edinger left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5931)

APPROVAL

At 7:58pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Council approves, under section 30(4a) of the *Litter Act 1979*, to appoint the following persons as authorised to sign withdrawal notices in relation to infringement notices issued on behalf of the City of Melville for offences against the Litter Act:

- **Chief Executive Officer,**
- **Director Community Development,**
- **Manager Community Safety, and**
- **Coordinator Rangers and Emergency Management,**

At 7:58pm the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)

Ward : All
 Category : Operational
 Subject Index : FMARC
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item M18/5648 – Recruitment of External Member of the Financial Management Audit Risk and Compliance Committee - Ordinary Meeting of Council held 20 November 2018
 Item M20/5775 – Appointment of External Member of Financial Management Audit Risk and Compliance Committee – Ordinary Meeting of Council held 20 and 21 October 2020
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Head of Governance

AUTHORITY / DISCRETION

DEFINITION

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

**C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

KEY ISSUES / SUMMARY

- The Financial Management, Audit, Risk and Compliance Committee (FMARCC) has the provision in its Charter for an external member to be appointed.
- Mr Lindsay Hay was initially appointed in December 2018, and reappointed in October 2020 for a further two years. That appointment is due to expire in October 2022.
- Mr Hay has indicated he would in agreement to serve another term of two years on the FMARCC, to October 2024, subject to the approval of the Council.
- This report seeks the Council's approval to appoint Mr Hay for a further two year term as the external member to the Financial Management, Audit, Risk and Compliance Committee.

BACKGROUND

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

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

“3. Membership

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

4. Meetings

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

C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)

DETAIL

As per the Financial Management, Audit, Risk and Compliance Committee (FMARCC) Charter, membership is to be reviewed every two years. The current external member to the Committee, Mr Lindsay Hay, was appointed to the FMARCC in December 2018 following an external recruitment process. This appointment was extended at the Ordinary Meeting of Council held 20 and 21 October 2020, where the Council resolved:

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

It should be noted that the external member prior to Mr Hay was appointed in 2009 and their membership was extended through to 2018, a total of nine years.

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

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

**C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

- **Audit**
 - *Providing guidance and assistance to the Council in relation to:*
 - *The process for the selection and appointment of external auditor;*
 - *Recommending to the Council the person to be appointed as auditor;*
 - *Develop and recommend to the Council a written agreement for the appointment of the auditor including conditions;*
 - *Reviewing the annual audit plan with the external and internal auditors to consider its scope and effectiveness;*
 - *Reviewing the information and recommendations provided by external and internal auditors including the responses of management;*
 - *Reviewing any unresolved issues between management and the external and internal auditors and actions planned to obtain resolution;*
 - *Reviewing the performance of any contracted external and internal auditors.*

- **Compliance**
 - *Ensuring that the procedures established to monitor compliance with statutory requirements, regulations and contractual obligations are appropriate;*
 - *Reviewing the annual Statutory Compliance Audit Return and make recommendations to the Council on acceptance and any actions identified as a result of the Return.”*

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No community stakeholder engagement is required.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies of consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

“7.1A. Audit committee

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

** Absolute majority required.*

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

**C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

“Membership

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

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

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

FINANCIAL IMPLICATIONS

Funds have been provided in the 2022-23 budget for the payment of the honorarium. If the City was to readvertise the position additional recruitment costs such as advertising, interview panel members' time and administration costs would be incurred

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

There are no policy implications associated with this report.

**C22/5934 – APPOINTMENT OF EXTERNAL MEMBER OF THE FINANCIAL MANAGEMENT
AUDIT RISK AND COMPLIANCE COMMITTEE (AMREC)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

This report recommends that in accordance with legislative requirement and the Charter for the Financial Management, Audit, Risk and Compliance Committee that Mr Hay be reaffirmed as the external member for that Committee for a further term of two years, concluding October 2024.

At 8:00pm Cr Edinger returned to the meeting.

At 8:00pm Cr Spanbroek left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5934) ABSOLUTE MAJORITY

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

That the Council by absolute majority decision reappoint Mr Lindsay Hay to the position of External Member on the Financial Management, Audit, Risk and Compliance Committee for a further two years with the term ending in October 2024.

At 8:00pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (10/0)

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & 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 July 2022 for the Council's information and noting.

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

BACKGROUND

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

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

DETAIL

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2022		
SUMMARY BY FUND		
Municipal		\$22,458,789
Reserve		\$152,812,396
Trust		\$-
Citizen Relief		\$224,848
TOTAL		\$175,496,033
SUMMARY BY INVESTMENT TYPE		
11AM		\$14,672,731
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$142,223,302
TOTAL		\$175,496,033
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$121,982,076
A Category (A+ to A-)	A+	\$11,513,957
	A	
	A-	
BBB+ Category	BBB+	\$42,000,000
TOTAL		\$175,496,033

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 30,700,000	17.49%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 22,500,000	12.82%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	11.11%	15.00%	✓
CBA	AA-	AA Category	\$ 18,500,000	10.54%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.72%	25.00%	✓
NAB	AA-	AA Category	\$ 42,040,516	23.96%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.84%	25.00%	✓
Westpac	AA-	AA Category	\$ 30,741,560	17.52%	30.00%	✓
TOTAL			\$ 175,496,033	100%		

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

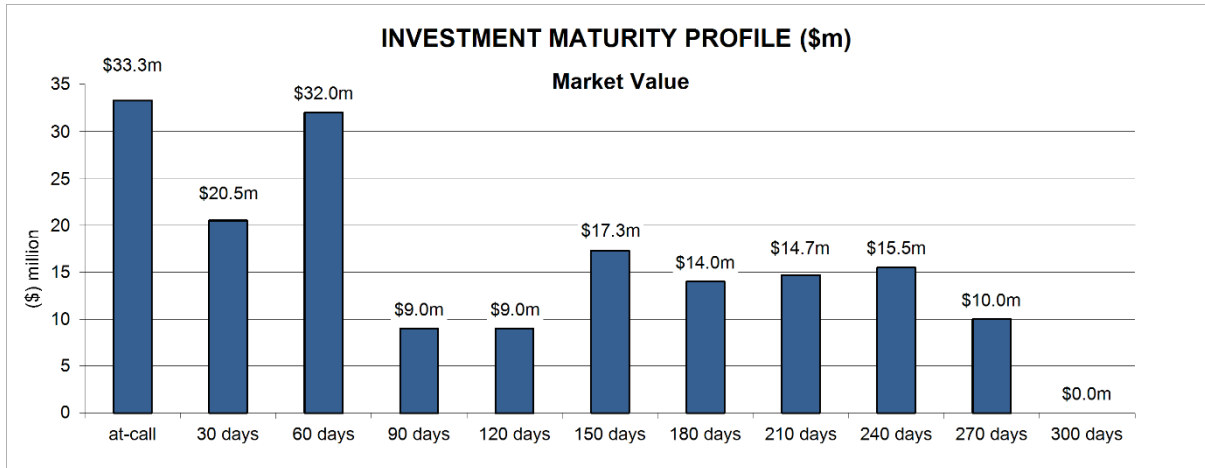
The City's investments were invested within the limits allowed within each category rating for July 2022.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 121,982,076	70%	80%	✓
A Category (A+ to A-)	\$ 11,513,957	7%	50%	✓
BBB+ Category	\$ 42,000,000	24%	25%	✓
TOTAL	\$ 175,496,033	100%		

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

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

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

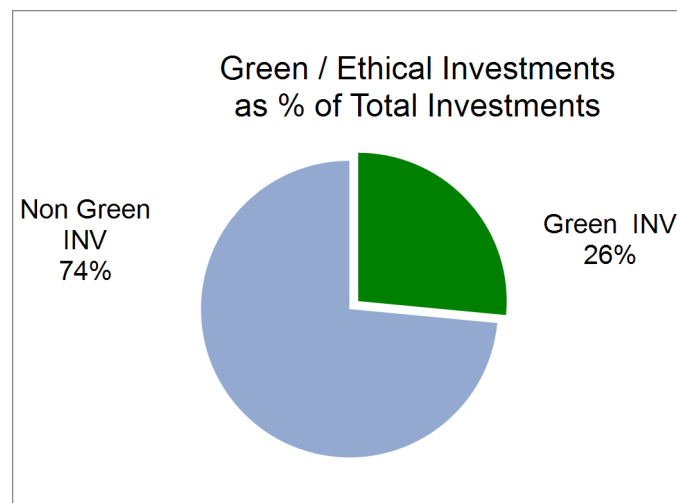


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

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

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

The total investment in green/ethical investments as at 31 July 2022 was \$46,500,000 or 26% of total investment holdings being in non-fossil fuels institutions, compared to \$43,500,000 (24%) in June 2022. The total investments holding for July and June were \$175,496,033 and \$178,693,691 respectively.



C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	\$ 18,500,000
Suncorp	A+	A Category	\$ 8,500,000
TOTAL			\$ 46,500,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

FINANCIAL IMPLICATIONS

For the period ending 31 July 2022:

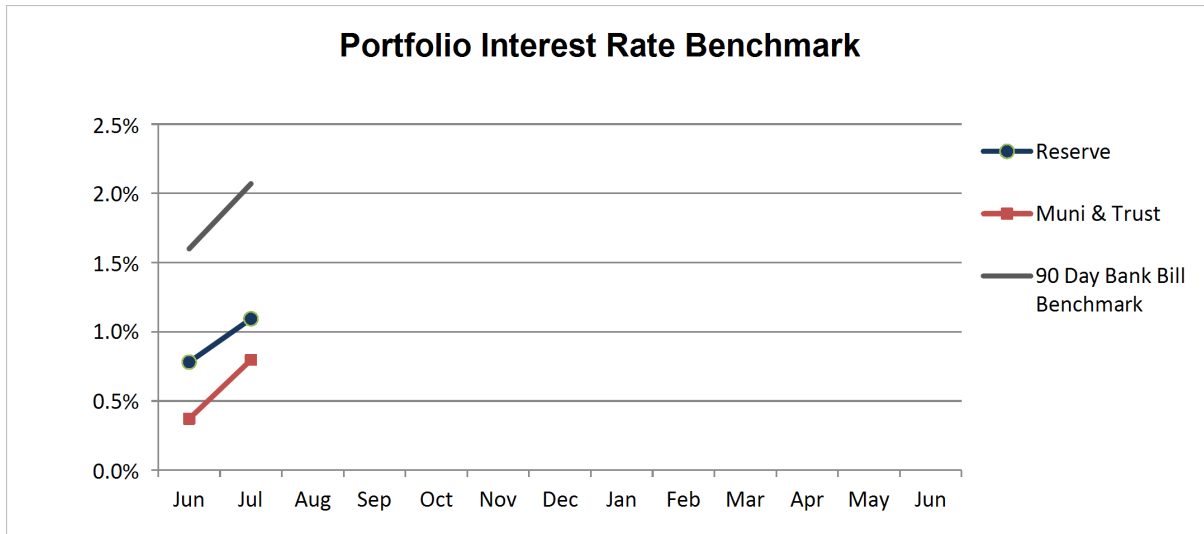
- Investment earnings on Municipal and Trust Funds were \$24,316 against a year to date budget of \$18,750 representing a positive variance of \$5,566.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 July 2022 was 0.80% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.

- Investment earnings on Reserve accounts were \$128,756 against a year to date budget of \$138,333 representing a negative variance of \$9,578.

The weighted average interest rate for Reserve account investments as at 31 July 2022 was 1.09% which compares unfavourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)



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

Environmental

When investing the City’s funds, a deliberate 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*.

C22/6000 - INVESTMENT STATEMENTS FOR JULY 2022 (REC)

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 0.80% to 1.09% which is below the benchmark three month bank bill swap (BBSW) reference rate of 2.07%.

26% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 24% in June 2022.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)

NOTING

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

At 7:00pm the Mayor declared the motion

CARRIED EN BLOC (11/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & 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 July 2022 and recommends that the Schedule of Accounts Paid be noted.

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

BACKGROUND

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

A total of \$7,282,707 direct creditor payments were paid during the month, of which, 19% of payments were paid to suppliers located within the City of Melville and 36% to suppliers within the South-West Group, compared to 25% and 36% of total of \$8,086,869 direct creditor payments made over June 2022 respectively. The largest payment of \$933,067 during the month was the annual insurance premium to the Local Government Insurance Scheme (LGIS). 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:

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 July including Payment Register numbers, Cheques: 823-824, Electronic Funds Transfers batches: 780-786, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 2 September 2022.

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

SCHEDULE OF PAYMENTS MADE JULY 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 823 and 824	\$1,233.56
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$34,200.00)
Electronic Funds Transfers	EFT Payment Register No. 781,782, 783,784 and 786	\$6,996,797.29
	EFT Payment on Restricted Funds Register No. 780,785 and 122	\$137,249.60
	Less Cancelled EFTs	(\$19,850.67)
	\$7,081,229.78	
Direct Debits	Bank Fees	\$23,908.19
	Ampol Fuel	\$117,690.21
Direct Payments		\$59,878.68
	Total Direct Creditor Payments	\$7,282,706.86
Payroll	Total Pay 1 and 2	\$3,911,824.78
	Total Payroll	\$3,911,824.78
Cards	Westpac Corporate Cards	\$6,208.84
	Westpac Purchase Cards	\$67,010.65
	American Express	\$21,926.58
	Total Card Payments	\$95,146.07
Total Direct Creditor Payments from Municipal Account		\$11,289,677.71

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR JULY 2022 (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		(\$4,347,939.24)	
Reserve		\$4,347,939.24	
Trust			\$0.00
Total Interfund Transfers			\$0.00
<i>New Municipal Investments</i>			
Commonwealth Bank	8/07/2022		\$3,000,000.00
Westpac Bank	22/07/2022		\$1,000,000.00
Westpac Bank	26/07/2022		\$1,800,000.00
Westpac Bank	29/07/2022		\$1,500,000.00
Total New Investments			\$7,300,000.00
Grand Total			\$18,589,677.71

Details of the payments are shown in attachment [6001 Payment Details July 2022](#). Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$18,589,677.71.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)

NOTING

That the Council notes the Schedule of Accounts paid for the period July 20221 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details July 2022](#).

At 7:00pm the Mayor declared the motion

CARRIED EN BLOC (11/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<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 Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 July 2022 and recommends that they be noted by the Council. • Year-end processes are still underway and therefore the final figures for July 2022 may be different from what is presented in this report. • The variances for the month of 31 July 2022 and recommends that they be noted by the Council. • The Budget amendments required for the month of 31 July 2022 and recommends that they be adopted by Absolute Majority decision of the Council.
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**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JULY 2022 (AMREC)
(ATTACHMENTS)**

BACKGROUND

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

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- End of financial year processes for 2021-2022 are still underway and therefore the final figures for 2021-2022 may be materially different to what is presented in this report.
- The City's total investments holding for July were \$175.5m of which the Municipal cash balance at the end of the month was \$22.5m and \$152.5m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 31 July was \$46.5m or 26% of total investment holdings, compared to \$43.5m (24%) in June 2022.
- The 2022-2023 Rates were generated in July, totalling \$95.6m. This is \$3,726 lower than the budgeted prediction. The negative variance of (\$118,641) at month end is due to rate adjustments in respect of Commercial and Residential improved properties (\$78,335) and a minor negative timing variance of (\$36,580) relating to Commercial Improved rate concessions which will be addressed prior to the close of reporting for August 2022.
- Total debtor collections for July 2022 equalled \$8.8m. The Rates collection target is 5.6% and the actual collection is tracking slightly higher at 6.5%. The total outstanding debtors (including all rates and sundry debtors) is \$116.9m due to the annual rates generation in July 2022. The YTD cash collection of \$8.8m from total debtors is higher than the cash collection of \$8.4m during the same period in the previous year 2021-2022.

DETAIL

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

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

Variances

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

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

C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY for July 2022 (AMREC) (ATTACHMENTS)

Revenue

The 2022-2023 Rates were generated in July, totalling \$95,663,155. This is \$3,726 lower than the budgeted prediction. The negative variance of (\$118,641) at month end is due to rate adjustments in respect of Commercial and Residential improved properties (\$78,335) and a minor negative timing variance of (\$36,580) relating to Commercial Improved rate concessions which will be addressed prior to the close of reporting for August 2022.

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	5,453,565	6,491,862	-16%	6,491,862	-16%
Debtors Raised	118,704,451	118,157,621	0%	116,834,456	2%
Payments Received	(8,109,436)	(119,140,734)	-93%	(7,701,583)	5%
EOFY Adjustment		(55,185)			
Closing Balance	116,048,580	5,453,565	2028%	115,624,735	0%

Total rate debtor collections for the month equalled \$ 8,109,436.

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	642,878	882,151	-27%	882,151	-27%
Invoices Raised	958,458	6,471,584	-85%	1,218,617	-21%
Receipts	(723,616)	(6,705,983)	-89%	(722,830)	0%
Prepayments	10,162	(6,042)	-268%	5,702	78%
EOFY Adjustment		1,168			
Closing Balance	887,882	642,878	38%	1,383,640	-36%

Sundry debtor balances increased by \$245,004 over the course of July from \$642,878 to \$887,882 of which total 90-day sundry debtors over \$1,000 for the month is \$123,339, representing 14% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for July 2022.

Budget Amendments

Details of Budget Amendments requested for the month of July 2022 that reflect effective changes to budgets are shown in attachment [6002J July 2022](#). Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements. Variances greater than \$100,000 processed in July 2022 are highlighted in the attachment.

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

Granting of concession or writing off debts owed to the City

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

Sundry Debtors.

An amount of \$450.00 was written off due to a company going into liquidation.

Rate Debtors

An amount of \$3,045.85 was written off due to a pensioner rebate being declined but not being identified during the settlement process. Efforts have been made to contact the seller, including a Final Demand from CS Legal, and no payment had been received up to July 2022.

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) *an explanation of each of the material variances referred to in sub regulation (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 \$100,000 whichever is greater.

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

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

FINANCIAL IMPLICATIONS

Variances

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

At 8:00pm Cr Pazolli moved, seconded Cr Wheatland –

That the Council:

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

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

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for July 2022 [6002J BUDGET AMENDMENTS JULY 2022](#)**

At 8:01pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (10/0)

Community Development

Nil.

Environment and Infrastructure

**EI22/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : Willagee
 Category : Operational
 Subject Index : Underground Power
 Customer Index : Western Power
 Disclosure of any Interest : No Officer involved in the preparation of this report has a
 declarable interest in this matter.
 Previous Items : Item T16/3681 – State Underground Power Program
 Round 6 – Ordinary Meeting of Council held 16 February
 2016
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kimberly Brosztl
 Manager Engineering

AUTHORITY / DISCRETION

DEFINITION

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

**E122/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- The City has long been a participant in the State Government's Underground Power Programs (SUPP) and ultimately would like to see the entire City of Melville achieve underground power.
- Benefits that the City has achieved through underground power projects include:
 - Increased the City's urban tree canopy
 - Improved street appearance
 - Reduced street tree pruning costs
 - Improved public safety, reliability, and security of power
 - Increased property value for property owners
 - Improved opportunities for emerging technologies
- Approximately two-thirds of the City of Melville now has underground power, either through the SUPP or through sub-division development.
- Western Power has invited the City of Melville to participate in Tranche 2 of Western Power's Network Renewal Underground Pilot Program (NRUPP-T2) by proposing an area for underground power in Willagee/Myaree/Melville.
- Under the NRUPP-T2 Western Power will contribute over 53% of the total project cost. This is a higher contribution from Western Power compared to the old SUPP program.
- The initial estimate for the Willagee / Myaree / Melville Project area is a cost of around \$4,000 to \$6,000 per property, which is paid by the property owner. The estimated costs are indicative only with more accurate costings following Western Power's detailed design and a breakdown of the number of commercial properties within the project area. It is expected that the estimates will reduce when the detailed design is progressed. Properties that already have an underground connection to a green dome would get the lower charge as it would only include the capital costs, not the connection costs.
- To assist residents in the area with the cost the City is also investigating, in conjunction with Western Power, any State Government funding contributions that are available for the area. These funding options are being finalised now.
- The alternative to undergrounding power is that Western Power would replace power poles and streetlights in this area 'like for like' and this infrastructure would be likely to remain for 40-50 years compromising many of the City's strategies.
- Participation in the NRUPP-T2 initiative requires the City of Melville's CEO to sign a Memorandum of Understanding (MoU) with Western Power, outlining the shared commitment and partnership to this underground power program. This MoU agreement is not legally binding.
- Western Power can then produce a detailed design with more accurate costings and better define the underground project area. The City would then survey residents to identify their level of support.
- If a survey to affected residents resulted in more than 50% support for undergrounding power, as per previous underground power projects, the City would proceed with Western Power's offer to underground power in the Willagee / Myaree / Melville Project area.

**E122/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

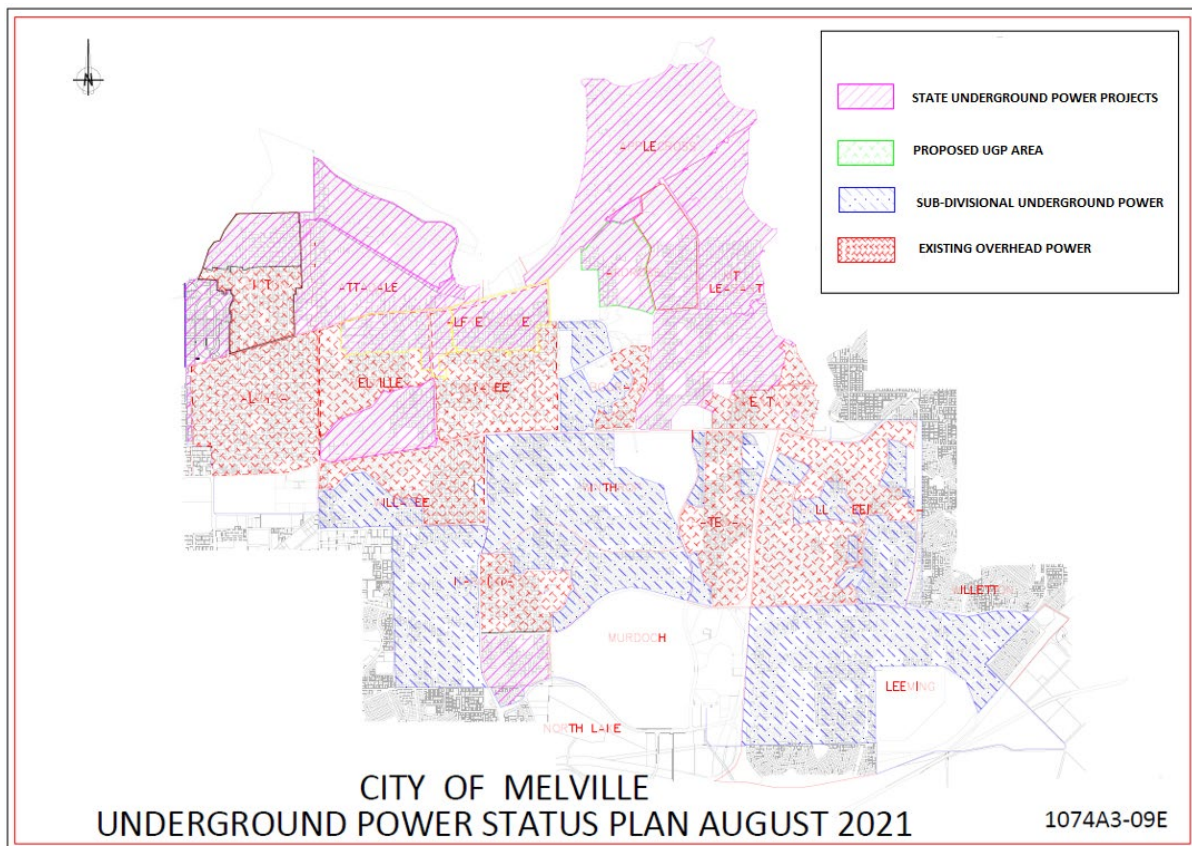
The undergrounding of power within metropolitan Perth dates back to 1996 following a severe weather event that severely disrupted power supply throughout Perth.

At that time the State Government, through Western Power, developed a pilot program to underground power at selected locations throughout Perth. The suburb of Applecross (north of Canning Highway) was selected to be included in the pilot program. Due to the success of this pilot project, the State Underground Power Program (SUPP) was established. The City of Melville has been successful in having projects included in all six rounds of the SUPP, except for Round three.

The most recent round was Round Six in which the City of Melville had three projects, Kardinya South, Alfred Cove East and Melville North included in the SUPP.

The funding arrangements for the SUPP were that the State Government contributed 25%, Western Power 25% and the City's contribution was the remaining 50%. The City's contribution has always been recovered in full from property owners within the various project areas.

Approximately two-thirds of the City of Melville now has underground power, either through the SUPP or through sub-division development. A plan showing the current status of underground power in the City of Melville is shown below.



**E122/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Benefits that the City has achieved through underground power projects include:

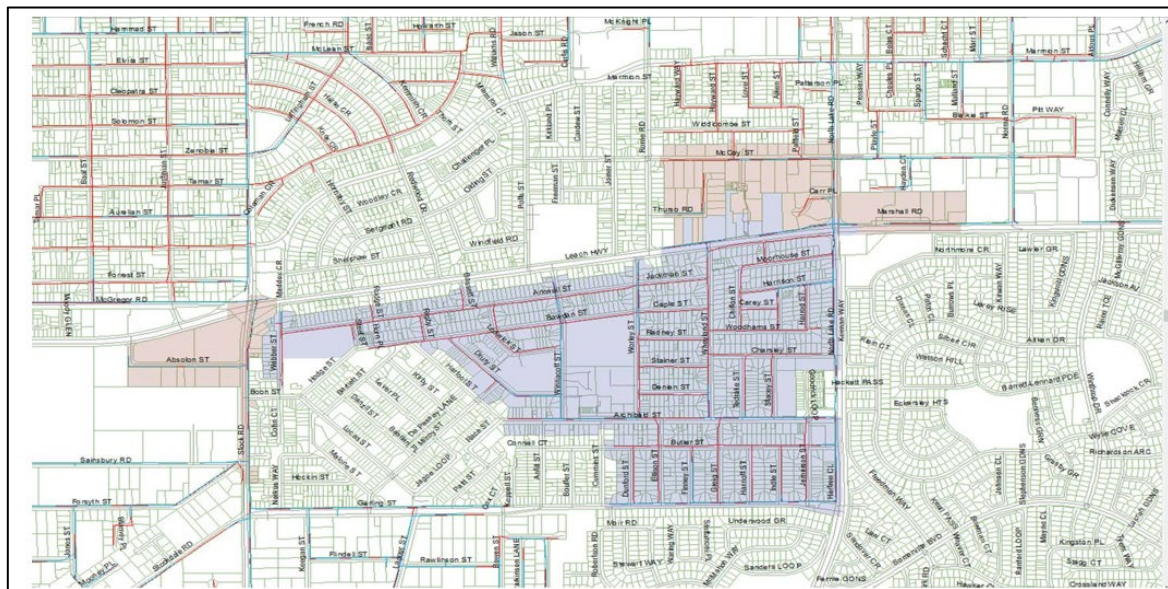
- Increased the City’s urban tree canopy
- Improved street appearance
- Reduced street tree pruning costs
- Improved public safety, reliability, and security of power
- Increased property value for property owners
- Improved opportunities for emerging technologies

Western Power has now replaced the State Underground Power Program (SUPP) with the Network Renewal Underground Program Pilot (NRUPP) model. Projects in the NRUPP model are selected by Western Power Based on the age and condition of the infrastructure as well as their overhead network renewal requirements.

Given the change in the underground power program and Western Power’s methodology for prioritising underground power projects, it was considered appropriate that a report be prepared for Council consideration, even though the CEO has delegated authority to enter into the MoU.

DETAIL

Western Power has invited the City of Melville to participate in Tranche 2 of Western Power’s Network Renewal Underground Pilot Program (NRUPP-T2). For each NRUPP project, there is a requirement for the Local Government to enter into an MOU. The MoU is non-binding and is aimed at demonstrating a commitment to the undergrounding of the selected area. The area in the City of Melville proposed for the NRUPP-T2 is shown in the map below.



Willagee / Myaree / Melville proposed NRUPP T2 project boundary(s)

The section in Map 1 shaded purple can be referred to as the ‘Willagee/Myaree/Melville Project Area’ and the purple and red area combined can be referred to as the ‘Additional Scope Full Willagee/Myaree Project Area’.

**EI22/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

The final boundary of the project would be determined when detailed design has progressed to a point where the cost effectiveness of the two options is better understood. Should the addition of the red areas provide cost savings to the property owners the Additional Scope Full Willagee/Myaree Project Area would be chosen.

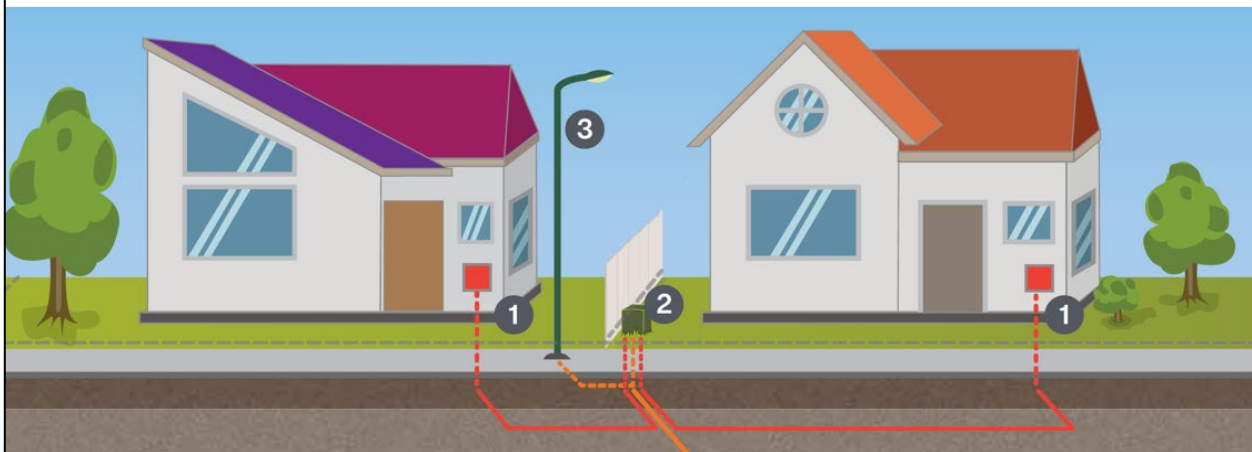
The City has previously considered a number of funding models to expedite the undergrounding of power. NRUPP is considered to be the 'least-cost' option offered to the City to underground overhead distribution power lines because Western Power discounts the cost of the ageing infrastructure.

The Willagee/Myaree/Melville areas (refer to Map 1) have been identified as part of Western Power's NRUPP T2 as potential areas for underground power due to its ageing overhead infrastructure, which is due for replacement, and also recognises the benefits undergrounding would provide for the community.

Under the NRUPP-T2 Program, Western Power would contribute the avoided capital costs (replacing the existing network's overhead assets). The Local Government would be charged for connection costs and any gap in capital costs. A description of the costs is shown below.

Funding model

- Local Government Authorities to fund the Operating Expenditure portion of the works (1 – residential consumer mains) and a portion of Capital Expenditure
- Western Power to fund Capital Expenditure portion that equates to the Net Benefit Western Power will incur by not having to replace, augment and maintain the overhead network
- Customer infrastructure (1), Western Power infrastructure (2,3,4)



Under the NRUPP T2 Western Power will contribute over 53% of the total project cost. This is a higher proportion of contribution paid by Western Power when compared to the old SUPP program.

**EI22/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

The initial cost estimate for the Willagee / Myaree / Melville Project area is around \$4,000 to \$6,000 per property. Costs to commercial property owners in the NRUPP-T2 area would be higher and similar to those charged in the recent Kardinya South Underground Power Project. The estimated costs are indicative only with more accurate costings to be determined following Western Power's detailed design and a breakdown of the number of commercial properties within the project area. It is expected that the estimates will reduce when the detailed design is progressed. Properties that already have an underground connection to a green dome would get the lower charge as it would only include the capital costs, not the connection costs.

To assist residents in the area with the cost the City is also investigating, in conjunction with Western Power, any State Government funding contributions that are available for the area. These funding options are being finalised now.

Western Power has moved to the NRUPP model for the following reasons:

- Selection of the project areas are identified by large volumes of overhead assets that are reaching the end of its life.
- Current undergrounding programs underway result in improving cost competitiveness. When there is a guaranteed and consistent program of works tendering rates tend to be more competitive.
- It is more efficient for Western Power to replace overhead assets with underground assets in the identified areas.
- Given the condition of the network, renewal and maintenance work will be carried out in the area, either overhead or underground. Therefore, this is the opportunity to upgrade to underground power while the contractors are there.
- If underground is not progressed under this model, Retrospective Underground Power (RUP) would still be available in the future, but the Western Power contribution will be much lower due to the newer overhead assets and therefore adding costs that would need to be passed onto property owners.

Participation in NRUPP T2 requires the City to sign a Memorandum of Understanding (MoU) with Western Power, outlining the shared commitment and partnership to the underground power program. EI22-4002_Confidential - NRUPP T2 - MoU - City of Melville was distributed to Elected Members on Friday 2 September 2022 under confidential cover.

It is relevant to note that the purpose of the MoU as stated in clause 2 (b) of the confidential attachment that:

“This MOU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however, all parties commit to using their best endeavours to achieve its purpose.”

Following the signing of the MoU, community engagement and detailed design for construction would take place over approximately 12 months. Projects are expected to be completed within two years of construction commencing.

**E122/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The undergrounding of power through Western Power's Underground Power Programs has proven popular with residents in the City of Melville which is reflected in the number of projects that have been completed across the City.

No external engagement has been carried out for this proposed project to date. The first step in this new process is to sign a MoU with Western Power to acknowledge our interest in investigating this proposal. This MoU is not legally binding and allows Western Power to produce a detailed design with more accurate costings with the knowledge that the Local Government is committed to the project, subject to community support.

Following the detailed design, the level of communication in accordance with the Stakeholder Engagement Policy CP-002 is to "consult" the community.

As per previous underground power projects, the City would only proceed with this project if there is support from more than 50% of affected property owner respondents.

II. OTHER AGENCIES / CONSULTANTS

Western Power, in conjunction with the City, will also engage with the community during all stages of the project.

STATUTORY AND LEGAL IMPLICATIONS

This MoU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however, all parties commit to using their best endeavours to achieve its purpose.

If there is more than 50% support for the Underground Power Project by property owners who respond to the survey, then the City would enter into a legally binding Co-Funding Agreement for the duration of the project's construction with Western Power.

FINANCIAL IMPLICATIONS

There are no ongoing costs for the City resulting from the undergrounding of the power lines, as these costs are shared between Western Power, the State Government and property owners.

The charges levied to the City by way of cash calls have, in the past, been fully recovered from property owners through a charge included in the rates. Early estimates suggest this underground power project would cost \$4,000 to \$6,000 per property owner. If necessary, the property owner could enter into a payment plan over five years to reimburse their underground power costs.

EI22/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The project aligns with the City’s aspirations:

- Growth and Prosperity – improving visual amenity and property values, enhancing opportunities for emerging technologies and network reliability.
- Clean and Green – supporting our Urban Forest Strategy and replacing existing street lighting with energy efficient LED lighting.
- Healthy Lifestyles – the improved street lighting supports people walking and exercising in the evening.
- Safe and Secure – improving security through improved lighting as well as replacing non-frangible power poles with frangible streetlights.

Risk Statement & Consequence	Level of Risk	Risk Treatment
<p>There is a risk that the City signs the MoU and then less than 50% of residents support underground power.</p> <p>This would prevent the project from proceeding. The City would be left with above ground infrastructure for 40-50 years. This will negatively affect various COM strategies including our urban forest strategy with some reduction in our reputation to deliver future underground projects.</p>	<p>Medium Risk based on a possible likelihood and minor consequences.</p>	<p>Reinforce the benefits of underground power to residents, offer and explain payment options, and work with Western Power regarding possible State Government funding contributions.</p>

The work involves the undergrounding of infrastructure belonging to a State Government utility provider being Western Power. It would be considered that any risk arising from the work would rest with Western Power and the State Government.

POLICY IMPLICATIONS

The City has no direct policy relating to the Underground Power; however, it has been a partner in a number of successful projects since its inception in mid-1990.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City of Melville could choose not to sign the MOU and miss the opportunity to partner with Western Power in providing Underground Power in the Willagee/Melville/Myaree Project area.

Western Power has advised that the overhead network assets in the proposed project areas are coming to the end of their service life for replacement and renewal. Therefore, Western Power would replace the poles and wires like for like with an expected serviceable life of 40-50 years. At least two generations will lose the opportunity for underground power in the area. If the City later decided to pursue underground power in the future, the costs would be considerably higher due to the expected lifespan and residual value of the relatively new infrastructure.

This would mean that residents and the City would not be able to enjoy the advantages of underground power previously mentioned, including more consistent power supply, improved tree canopy along the verges and enhanced streetscape amenity.

**EI22/4002 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING
WILLAGEE/MYAREE/MELVILLE PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

CONCLUSION

The City has long been a participant in State Government Underground Power Programs and ultimately would support the entire City of Melville to have underground power.

Due to the many benefits of underground power and the opportunity to participate in a program with a greater proportional contribution from Western Power, it is recommended that the City sign the MOU with Western Power.

Western Power can then work on a detailed design with more accurate costings and better define the underground project area. The City would then survey residents to identify their level of support.

If a survey of affected residents achieved more than 50% support from respondents for undergrounding power, as per previous underground power projects within the City, then the City would proceed with Western Powers offer to underground power in the Willagee / Myaree / Melville Project area.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4002)

APPROVAL

At 8:01pm Cr Fitzgerald moved seconded Cr Wheatland –

That the Council:

- 1. Notes the invitation from Western Power for the City of Melville to participate in Tranche 2 of the Network Renewal Underground Pilot Program (NRUPP) for the Willagee/Myaree/Melville Project Area.**
- 2. Authorises the CEO to sign the Confidential Memorandum of Understanding for the Network Renewal Underground Program Pilot (NRUPP) Tranche 2 to enable Western Power to commence a detailed design, better define costs to residents and consolidate the final project boundary.**
- 3. Authorises the City to proceed with Western Powers offer to underground power in the Willagee/Myaree/Melville Project Area providing there is at least 50% support from survey respondents.**

At 8:04pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 8:02pm Cr Spanbroek returned to the meeting.

At 8:02pm Mr Ferris left the meeting and returned at 8:03pm.

**EI22/4004 - PETITION – ALIGNMENT OF ATTADALE FORESHORE PATH AND AMENDMENTS
TO THE ATTADALE ALFRED COVE FORESHORE MASTER PLAN (REC)**

Item Brought Forward.

See Page 15.

Urban Planning

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Not Applicable
 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 16.1 Policy for Major Development Construction Management Plans - Ordinary Council Meeting held 18 May 2021
 Item P22/3982 – New Policy Local Planning Policy 1.22 Construction Management Plans – Ordinary Meeting of Council held 17 May 2022
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- In May 2021, Council resolved to require the preparation of a Local Planning Policy to guide the management of the construction process.
- In response to this resolution, City officers reviewed various examples of construction management policies across the Perth Metropolitan area and more broadly.
- At the May 2022, Ordinary Council Meeting draft Local Planning Policy 1.22 Construction Management Plan (LPP1.22) was endorsed for advertising by Council.
- Advertising of LPP1.22 took place between 16 June and 8 July 2022
- The advertising included a direct email to builders and developers, an advertisement in the newspaper, social media and information on Melville Talks.
- A total of six submissions were received.
- The submissions are all supportive of the proposed draft policy however, they suggest modifications to further improve how it will operate.
- It is recommended that LPP1.22 be adopted by Council and an advertisement placed in the local newspaper as required by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

BACKGROUND

The City has a standard condition which requires the submission of a construction management plan prior to the commencement of development. This condition is generally applied to major developments or where there is a particular site constraint such as access being from a higher order road. This condition has been applied for several years. The standard condition covers a range of matters including hours of operation, traffic management, parking arrangements, deliveries, and storage of materials.

At the Ordinary Council Meeting (OMC) held on 18 May 2021 Council resolved to request that the Chief Executive Officer prepare a local planning policy on construction management plans.

Draft Local Planning Policy 1.22 Construction Management Plans was presented to the Council for its consideration at the May 2022 OMC. At this meeting Council resolved to endorse the draft local planning policy for 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

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

DETAIL

The report to the May OCM provides a detailed description of the key components of draft LPP 1.22 Construction Management Plans including its objectives, scope and the key policy clauses.

For ease of reference, the objectives of LPP1.22 are:

- to minimise the impact that construction activity has on the surrounding community.
- to provide clear guidance on the information to be provided in a construction management plan.
- to ensure clear communication and effective complaints management.
- to protect City assets.

As noted in the stakeholder engagement section below, all of the submissions received were supportive of the proposed LPP1.22. Some of the submissions raise suggestions on how the policy could be improved.

A response to these submissions is contained in the sections below. One of the responses is particularly detailed and some changes to the policy are proposed in response to this.

Attached are two copies of the Local Planning Policy. One is the version finalised after consideration of the changes brought about after consultation, and the other is the previous version including highlighted, the changes that have been made to the policy since it was the subject of advertising after the May OMC. A tracked change version of the policy is not available.

[4003 Local Planning Policy 1-22 Construction Management Plans](#)

[4003 Construction Management Plan Pro Forma](#)

[LPP 1.22 Construction Management Plan showing changes](#)

STAKEHOLDER ENGAGEMENT

Advertising Required:	Yes
Reason:	As per the provisions of the Regulations.
Support/Object:	See table below. Submissions received in support with suggestions.

I. COMMUNITY

Advertising of this draft included a direct email to builders and developers, an advertisement in the newspaper, posts on social media and information on Melville Talks. Five submissions were received during the advertising period all in support of the LPP.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

Summary of Submission	Officer's Comment	Action
Supportive of the environmental management aspects of the policy.	Noted	None required.
Concerns that the policy is not sufficiently detailed which could lead to issues with enforcement.	LPP 1.22 provides an overview of the information to be submitted by the applicant with a CMP. The detailed plans will be prepared by suitably qualified people and reviewed by City officers prior to the CMP being approved.	No changes to the policy are required in response to this submission.
Proper management car parking associated with construction will be an improvement.	Noted	None required.
There are multiple issues associated with construction including physical threats, vibration, noise, rubbish and poor parking. More monitoring of construction activity is required particularly in residential streets.	One of the objectives of LPP 1.22 is to minimise the impact of construction in relation to major developments. It is not proposed to require CMP's for all residential development.	None required.
The creation of the policy is an important step	Noted	None required.
The policy should be circulated by Council to surrounding residents for feedback prior to approval	LPP 1.22 required stakeholder engagement by the developer prior to submitting the CMP to the City for approval. Evidence that this has been done should be submitted with the CMP.	None required.
The approved CMP and supporting documents should be made publicly available on the City's website .	This is covered in the draft document under the header of compliance.	The LPP is proposed to be modified to state supporting documents will also be published.
The policy should have a greater emphasis on resident amenity and assets.	This is noted and a reference to resident amenity has been inserted into the objectives.	Refer to change in LPP.
Given many construction projects span a number of years for large scale projects the onus should be on the developer to either update the CMP to reflect any changes or to review and update annually.	Noted, the draft LPP 1.22 contains provisions relating to staging of the development. It also contains provisions relating to stakeholder engagement.	The LPP will be modified to provide further emphasis on the need to keep stakeholders updated through the construction process including when the CMP is updated.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

Summary of Submission	Officer's Comment	Action
<p>Dilapidation reports are a useful point in time statements that enable both the Developer, City and property owners to understand the state of the respective assets. A CMP should identify the extent (geographically) that the dilapidations reports will cover.</p>	<p>Noted. Identification of the relevant properties is useful.</p>	<p>Refer updated LPP.</p>
<p>Support the use of gantries as a preferred position as it enables ongoing pedestrian access and minimises the impact on residents and users. Where footpaths are closed the CMP should detail what provision is to be made for people using mobility aids and how the changed access will be proactively managed.</p>	<p>The traffic and pedestrian management plan submitted with the CMP will cover this level of detail.</p>	<p>No changes required.</p>
<p>The CMP should also address how the developer proposes to manage ramping for deliveries. A CMP should identify how this will be managed and contacts to deal with immediate issues around material deliveries impacting residents</p>	<p>Detailed delivery management information is required to be provided. A complaint register is also required.</p>	<p>A further dot point has been included in the document to require consideration of adequate time between delivery vehicles to prevent ramping.</p>
<p>The matter of lighting should be addressed in the CMP. Most construction projects will require to be lit for 24/7 for security and safety purposes. The CMP should provide for how the and where the lighting is to be placed and how it will be managed so as to not affect surrounding residents e.g. lights mounted on cranes.</p>	<p>Noted</p>	<p>The environmental management clause has been updated to refer to lighting.</p>

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

Summary of Submission	Officer's Comment	Action
Dewatering plans should also provide for the management of noise and smell. Many dewatering plants will be operating for long period 24/7 and this should be addressed by a CMP	Noted.	Addition detail has been included in the LPP
Many sites require lighting on cranes for security and safety purposes. This is accepted however the CMP should outline how light spill will be minimised to surrounding residents and properties	Noted	The environmental management clause has been updated to refer to lighting.
Project timings can slip. Should the CMP for a project development have a time frame that covers the planned period of construction and completion of remediation and site works.? Logically a CMP should not be open ended. Inclusion of a high construction timetable would be useful and consideration given to approving a CMP for a period of time.	Noted	As detailed above, the LPP will be modified to provide further emphasis on the need to keep stakeholders updated through the construction process including when the CMP is updated.
A developer and likely current landowner should also be responsible for the preparation management and governance of the CMP.	Noted.	Refer revised LPP for clarification.
The LPP and pro-forma should make reference to the significant river foreshore frontages and the impacts construction may have on the river system.	Noted	Refer revised LPP for modified objectives.
It is recommended additional information be provided in the LPP that references <i>Policy Statement No. 50 – Planning for Dewatering Affecting the Swan Canning Development Control Area.</i>	Noted	Refer revised LPP for which provides this reference.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

II. OTHER AGENCIES / CONSULTANTS

The Department of Biodiversity, Conservation and Attractions (DBCA) provided a submission on the Draft CMP. A summary of their response is included in the table above. The DBCA is supportive of the draft CMP however has suggested a stronger focus on the river and surrounding environment. These comments have been taken into account in the revised LPP.

STATUTORY AND LEGAL IMPLICATIONS

Under the provisions of the Planning and Development (Local Planning Regulations) 2015 a Local Planning Policy may cover a range of matters as long as it is based on sound town planning principles.

The proposed LPP1.22 has been prepared having regard to sound town planning principles and therefore should be given due regard by a decision maker.

FINANCIAL IMPLICATIONS

In the last 12 months the City has increased its planning and building compliance staffing via the appointment of two new compliance officers and a building compliance coordinator. The adoption of the subject Local Planning Policy will need to be matched by appropriate further compliance resourcing, the level of which is the subject of a current review.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this matter other than those identified elsewhere in this report.

POLICY IMPLICATIONS

Once this policy is adopted it will become part of the local planning framework and will be given due regard during the assessment process.

COMMENT

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Elected Members may resolve not to proceed with the final adoption of the policy or alternatively make modifications to the LPP. Any amendments should be based on sound planning principles. Depending on the type of modifications proposed, the LPP may need to be re-advertised prior to being finally endorsed.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS
(REC) (ATTACHMENT)**

CONCLUSION

LPP1.22 has been prepared taking into account construction management policies across the Perth metropolitan area and the eastern states. It has been advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the submissions received are generally supportive. The modifications made in response to the submissions strengthen the document and due to their minor nature do not require any further advertising.

OFFICER RECOMMENDATION (4003)

APPROVAL

That the Council:

1. **Adopts the new [Local Planning Policy 1.22 Construction Management Plans with modification](#)**
2. **Publish a notification in the local newspaper as required by *the Planning and Development (Local Planning Schemes) Regulations*.**

Procedural Motion

COUNCIL RESOLUTION

At 8:05pm Cr Sandford moved, seconded Cr Pazolli –

That Item UP22/4003 – New Local Planning Policy 1.22 Construction Management Plans be deferred to the 18 October 2022 Ordinary Meeting of Council.

At 8:06pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 8:06pm Cr Wheatland left the meeting and returned at 8:07pm.

15 MOTIONS WITH PREVIOUS NOTICE

15.1 Update to August Ordinary Meeting of Council – 14 Beach Street Motion Documents

Motion

At 8:06pm Cr Edinger moved, seconded Cr Sandford –

That the Council directs the CEO to attach the following documents to the Minutes of the August 2022 Ordinary Meeting of Council:

- 1. 14 Beach Street boundary – Timeline**
- 2. 14 Beach Street Boundary – Summary of key documentation**

At 8:23pm the Mayor declared the motion

LOST (4/7)

Yes	4	Cr Barber, Cr Edinger, Cr Spanbroek, Cr Sandford
No	7	Cr Macphail, Cr Robins, Cr Woodall, Cr Fitzgerald, Cr Wheatland, Mayor Gear, Cr Pazolli

15 *Motions With Previous Notice, Continued*

15.2 Advertising

Motion

At 8:24pm Cr Edinger moved, seconded Cr Fitzgerald –

That the Council directs the CEO to extend advertising public notices to include publishing notices in the Fremantle Herald.

At 8:29pm during discussion and debate, the mover and seconder consented to the inclusion of the words “*Melville Edition*” after “*Fremantle Herald*” to read “*That the Council directs the CEO to extend advertising public notices to include publishing notices in the Fremantle Herald Melville Edition.*”

Motion

At 8:24pm Cr Edinger moved, seconded Cr Fitzgerald –

That the Council directs the CEO to extend advertising public notices to include publishing notices in the Fremantle Herald Melville Edition.

Alternate Motion

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

That the Council requests the CEO to prepare a report to extend advertising of public notices to include publishing notices in the Fremantle Herald Melville Edition.

At 8:34pm during discussion and debate, the mover and seconder consented to the inclusion of the words “*back to the December Ordinary Meeting of Council.*” after the words “*Prepare a report*” to read “*That the Council requests the CEO to prepare a report back to the December Ordinary Meeting of Council to extend advertising of public notices to include publishing notices in the Fremantle Herald Melville Edition.*”

Alternate Motion as Amended

COUNCIL RESOLUTION

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

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

At 8:37pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

15.2 Advertising, continued.

Reasons for the Motion with Notice as Provided by Cr Edinger

- The Herald is delivered to households throughout the City of Melville
- Delivery is undertaken by local residents and so provides part-time employment and income for many people within our community.
- PerthNow is no longer delivered (at least where I live)
- The PerthNow website requires users to register to access digital copies of their publications, which acts as a disincentive to accessing the digital version of the PerthNow South publication

Procedural Motion

COUNCIL RESOLUTION

At 8:37pm pm Cr Sandford moved, seconded Cr Wheatland –

That Motion with Notice Item 15.3 Council Chamber Video Coverage and Item 15.4 Decibel Monitoring Devices in Public Venues, submitted by Cr Ross be deferred to the October Meeting of Council.

At 8:37pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

15.3 Council Chamber Video Coverage

This Item has been Deferred

15.4 Decibel Monitoring Devices in Public Venues

This Item has been Deferred

16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

Nil.

17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

Procedural Motion

COUNCIL RESOLUTION

At 8:38pm Cr Fitzgerald moved, seconded Cr Wheatland –

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

At 8:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 8:38pm Mr Ferris left the meeting and did not return.

At 8:38pm Mr McCarthy left the meeting and did not return.

At 8:38pm Ms Bowman left the meeting and did not return.

At 8:38pm Mr Prendergast left the meeting and did not return.

At 8:39pm Ms Davis left the meeting and did not return.

At 8:38pm the Mayor adjourned the meeting.

At 8:52pm the Mayor resumed the meeting.

LATE ITEM M22/5924 – ORGANISATIONAL REVIEW AND TRANSFORMATION VISION (REC)
(CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : City of Melville
 Customer Index : City of Melville/ Personnel File
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Marten Tieleman
 Chief Executive Officer
 Llewellyn Rogers
 Head of People and Culture

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>

**LATE ITEM M22/5924 – ORGANISATIONAL REVIEW AND TRANSFORMATION VISION (REC)
(CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- The City in recent times has undertaken organisational reviews to address current challenges being faced by the organisation.
- Over the last year the City has been working on a number of key transformational projects, with this work has seen the development of “Transform Melville” and the vision of reimagining the way that we work.

BACKGROUND

To support our success and respond to these challenges that have confronted the City over the past number of years, the CEO has engaged the services of the Glen Flood Consulting Group (GFC) to undertake the independent review of the Urban Planning Directorate to address the issues of capability and capacity. The work of the GFC team will help support those recommendations of previous reviews as well as feedback from CEO performance reviews including those from Helen Hardcastle and John Phillips

DETAIL

Over the last year the City has been working on a number of key transformational projects including the development and implementation of a digital strategy, the net zero climate targets for both our organisation and the community, a customer first strategy and our economic development, place planning and small business projects. All of these are going to change the way we work and ensure the step change we are seeking to achieve. This work has seen the development of “Transform Melville” and the vision of reimagining the way that we work in providing services to the community.

Stage 1 of the organisational review, conducted by Garry Hunt Consulting, supported the transformational agenda and also recommended that the capability and capacity of the Planning and Building Directorate be reviewed. GFG Consulting has been appointed and this review is expected to be finalised by November 2022.

During the discussions on the Long Term Financial Plan (LTFP) two other key inputs were discussed that will be critical in finalising the LTFP later in 2022. The development of a services catalogue and a workforce strategy and workforce plan are all currently underway. The service catalogues will document all of the services and subservices the City provides and other qualitative and quantitative information that will allow the City to better understand the cost and metrics involved in providing the services.

Employment costs are the City’s largest expense and the workforce strategy and plan are critical to better plan for the skills, capability and capacity the City needs now and what we will need into the future. The workforce strategy and plan will also have a focus on expectation and accountability and the development of our people, critical to the organisation. When this work is overlaid with our Transform Melville agenda investing in having the right people at the right time doing the right thing becomes evident.

**LATE ITEM M22/5924 – ORGANISATIONAL REVIEW AND TRANSFORMATION VISION (REC)
(CONFIDENTIAL ATTACHMENT)**

From a leadership culture and behaviour perspective the Transform Melville agenda is and will challenge everything that we do. For example, the net zero targets require a change to the way we think and deliver all of our key projects. The City has introduced a carbon budget for the 2022-23 financial year. Whilst the financial lens is well established, our focus on the sustainability and climate lens will require education and training to better understand the options and approaches that will reduce or minimise the carbon emissions for a project.

As outlined in the Elected Members Bulletin on 15 July 2022, engagement has commenced with our leadership groups and staff across the organisation on the journey the City has been on and the aspirations and vision on Transform Melville. A presentation will be scheduled in the near future to brief Elected Members about this exciting transformational agenda.

Critical factors to improve capacity and capability in order to achieve the City of Melville strategic objectives and implementation of the Transform Melville vision are contained in the confidential attachment.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The Statutory and legal implications are addressed in the confidential attachment.

FINANCIAL IMPLICATIONS

The financial implications are addressed in the confidential attachment.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic and risk implications are addressed in the confidential attachment.

POLICY IMPLICATIONS

Council Policy CP-026 Employee Appointments, applies in terms of the determination of Senior Employees at the City of Melville.

**LATE ITEM M22/5924 – ORGANISATIONAL REVIEW AND TRANSFORMATION VISION (REC)
(CONFIDENTIAL ATTACHMENT)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternative options and their Implications are addressed in the confidential attachment.

CONCLUSION

Support for the Officer Recommendation contained in the confidential attachment is sought.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5924)

APPROVAL

At 9:41pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council accept the recommendation contained in the confidential attachment and that this information remain confidential until approved for release by the Council at a future date.

At 9:44pm the Mayor declared the motion

CARRIED (10/1)

Yes	10	Cr Barber, Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Pazolli, Cr Fitzgerald, Cr Woodall, Mayor Gear, Cr Wheatland
No	1	Cr Macphail

Procedural Motion

COUNCIL RESOLUTION

At 9.44pm Cr Barber moved, seconded Cr Fitzgerald –

That the meeting come out from behind closed doors.

At 9:45pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

No members of the public returned to the meeting.

18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

The Mayor advised the meeting that the Officer recommendation associated with the late item was carried by the Council (10/1)

“That the Council accept the recommendation contained in the confidential attachment and that this information remain confidential until approved for release by the Council at a future date.”

19 CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Robins and Cr Woodall were still in attendance electronically and closed the meeting at 9:46pm.